HOUSE OF ASSEMBLY

Thursday, 4 August 2016

The SPEAKER (Hon. M.J. Atkinson) took the chair at 10:30 and read prayers.

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

Bills

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Conference

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (10:32): I have to report that the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses:

Amendments No 1 and No 2—

That the Legislative Council no longer insists on its amendments

Amendment No 3—

That the Legislative Council no longer insists on its amendment but makes the following amendments in lieu thereof:

Page 9, line 35 [clause 22, inserted section 209A(1)]—Delete *'Resources'* and substitute *'Rehabilitation'*

Page 9, line 36 [clause 22, inserted section 209A(2)]—Delete 'Treasurer' and substitute 'Attorney-General'

Page 10, line 6 [clause 22, inserted section 209A(3)(c)]—Delete 'Minister and the Treasurer' and substitute 'Attorney-General'

Page 10, lines 15 to 20 [clause 22, inserted section 209A(5)]—Delete all words in these lines and substitute:

Attorney-General as additional government funding for the provision of programs and facilities, for the benefit of offenders, victims and other persons, that will further crime prevention and rehabilitation strategies.

Page 10, line 29 [clause 22, inserted section 209A(7)]—Delete ', with the approval of the Treasurer,'

Page 10, line 32 [clause 22, inserted section 209A(7)]—Delete 'is approved by the Treasurer' and substitute:

the Attorney-General thinks fit

and that the House of Assembly agrees thereto.

Amendment No 4—

That the Legislative Council no longer insists on its amendment but makes the following amendment in lieu thereof:

Page 11, after line 4—After clause 23 insert:

24—Insertion of section 229A

After section 229 insert:

229A—Annual report relating to prescribed drug offenders

(1) The Attorney-General must, on or before 30 September in each year, lay before both Houses of Parliament a report on the operation of the amendments enacted by the *Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2015* during the financial year ending on the preceding 30 June.

(2) A report under this section must include the following information for the financial year to which the report relates:

(a) the number of persons who became prescribed drug offenders during that period;

(b) the number of restraining orders made during that period in relation to persons who, if convicted of the serious offence to which the restraining order relates, will become prescribed drug offenders;

(c) details of property forfeited under this Act during that period that was owned by or subject to the effective control of a prescribed drug offender on the conviction day for the conviction offence.

(3) A report required under this section may be incorporated into any other report required to be laid before both Houses of Parliament by the Attorney-General.

25—Review of Act

(1) The Attorney-General must, within 3 years after the commencement of this Act, undertake a review of the amendments to the *Criminal Assets Confiscation Act 2005* enacted by this Act.

(2) The Attorney-General must cause a report on the outcome of the review to be tabled in both Houses of Parliament within 12 sitting days after its completion.

And that the Legislative Council makes the following consequential amendments:

Page 3, lines 17 to 19 [clause 5(3), inserted definition of *protected property*]—Delete 'could not be taken in proceedings against the person under the laws of bankruptcy (as modified by regulations under this Act)' and substitute 'is of a class declared by regulation for the purposes of this definition'

Page 3, after line 32—After clause 5 insert:

5A—Amendment of section 6—Meaning of effective control

Section 6(1)(d)—delete paragraph (d) and substitute:

(d) if property is initially owned by a person and, within 6 years (whether before or after) of—

(i) an application for a restraining order or a confiscation order being made; or

(ii) the person becoming a prescribed drug offender,

is disposed of to another person without sufficient consideration, then the property is taken still to be subject to the effective control of the first person;

Page 6, lines 7 to 36—Delete clauses 10, 11, 12 and 13 and substitute:

10—Insertion of Part 4 Division 1 Subdivision 1A

After section 56 insert:

Subdivision 1A—Deemed forfeiture orders

56A—Prescribed drug offenders

(1) Immediately on a person becoming a prescribed drug offender, a forfeiture order (a *deemed forfeiture order*) will be taken to have been made under Subdivision 1 by the convicting court.

(2) A deemed forfeiture order applies to all property owned by, or subject to the effective control of, the prescribed drug offender on the conviction day for the conviction offence other than the following:

(a) protected property of the prescribed drug offender;

(b) property that has been excluded from a restraining order under Part 3 Division 3;

(c) property that is otherwise forfeited to the Crown under this Act.

(3) Except as provided in subsection (4), section 59A and section 209A, this Act applies to a deemed forfeiture order in all respects as if it were a forfeiture order made under section 47(3)(a) in relation to conviction for the conviction offence, subject to such modifications as may be prescribed, or as may be necessary for the purpose.

(4) Any power that may be exercised by a court that is hearing or that is to hear an application for a forfeiture order may be exercised, in relation to a deemed forfeiture order, by the convicting court at any time within the period of 6 months

(or such longer period as may be allowed by the convicting court) after the conviction day for the conviction offence.

(5) In this section—

convicting court, in relation to a prescribed drug offender, means the court that convicted the prescribed drug offender of the conviction offence.

56B—Court may declare that property has been forfeited under this Subdivision

A court may declare that particular property has been forfeited under this Subdivision if—

(a) the DPP applies to the court for the declaration; and

(b) the court is satisfied that the property is forfeited under this Subdivision.

Page 7, lines 5 to 7 [clause 14, inserted section 59A(1)] —Delete 'A court that has made a forfeiture order or a court that is hearing, or is to hear, an application for a forfeiture order, may make an order excluding property from forfeiture' and substitute:

If a person becomes a prescribed drug offender, the convicting court may make an order excluding property from forfeiture under Subdivision 1A

Page 7, lines 10 to 13 [clause 14, inserted section 59A(1)(b) and (c)]—Delete paragraphs (b) and (c) and substitute:

(b) the forfeiture applies to the applicant's property; and

Page 7, line 26 [clause 14, inserted section 59A(2)(b)]—Delete 'the forfeiture order' and substitute '

Subdivision 1A

And that the House of Assembly agrees thereto.

Parliamentary Committees

STANDING ORDERS COMMITTEE

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (10:32): I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (10:33): I move:

That standing orders be so far suspended as to enable the introduction of six bills without notice.

The SPEAKER: An absolute majority not being present, ring the bells.

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

Motion carried.

Bills

BIRTHS, DEATHS AND MARRIAGES (GENDER IDENTITY) AMENDMENT BILL

Introduction and First Reading

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (10:35): Obtained leave and introduced a bill for an act to amend the Birth, Deaths and Marriages Registration Act 1996; and to repeal the Sexual Reassignment Act 1988. Read a first time.

Second Reading

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (10:36): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) people around the world continue to face wide ranging discrimination because of their sexual orientation and gender identity. Unfortunately, this discrimination means many LGBTIQ people feel unsafe, undervalued and isolated.

All South Australians deserve to live their lives free from discrimination.

That is why, in 2015, the Government began the process to identify and remedy discrimination LGBTIQ people face due to our state laws. This commitment was announced at the Opening of Parliament in 2015. In that speech, the Government indicated that the South Australian Law Reform Institute would be asked to review all South Australian laws to identify discrimination on the grounds of sexual orientation, gender, gender identity and intersex status.

The South Australian Law Reform Institute completed its review and released its findings in an Audit Report on 10 September 2015. This comprehensive review identified more than 140 pieces of South Australian legislation that discriminates on the grounds indicated above. In addition, the South Australian Law Reform Institute made a series of recommendations to redress this discrimination. These recommendations included action that could be enacted immediately and five broad areas that required further review prior to issuing recommendations to the Government. These broad areas include:

- Registration and recognition of sex, gender and gender reassignment
- Equal recognition of relationships and parenting rights
- Surrogacy
- Exemptions under the *Equal Opportunity Act 1984*; and
- The operation of provocation laws in South Australia.

I proudly introduced the *Statutes Amendment (Gender Identity and Equity) Bill 2016* in Parliament this year to implement recommendations made in the South Australian Law Reform Institute's Audit Report.

In February 2016, the South Australian Law Reform Institute released the first of its further reports concerning the registration and recognition of sex, gender and gender reassignment. In April this year, the Legislative Review Committee of this Parliament completed its review of the *Sexual Reassignment Repeal Bill 2014*. Both of these reports reviewed the manner in which sex and gender is legally recognised in South Australia and the process by which people undertake to have this legal registration changed to accurately reflect their gender identity.

The South Australian Law Reform Institute and the Legislative Review Committee received various submissions describing the difficulty members of our community face when seeking to have their sex or gender identity legally changed. One person was quoted as saying:

> Although I have been classified as a transgender female by two psychiatrists qualified and expert in the field, and have been placed on appropriate hormone treatment and live publicly as a female (in my case with the public profile that I have), I cannot however be registered as a female in this State. The only basis upon which I can be registered as a female is by having gender reassignment surgery. This is both archaic and anachronistic.

Another person described the difficulty of not having appropriate categories to choose from when required to specify their gender identity on forms and documentation:

> Here are two boxes and you must pick one. An easy choice for someone who feels comfortable picking one. The most stressful choice ever for someone that looks at those two boxes and can't see their option that makes them feel comfortable. ... Thus where is the option to simply state not specified and be able to remove that dreaded marker from my record from the day I was born which I maintain was in error.

It is clear from the reports of the South Australian Law Reform Committee and the Legislative Review Committee that immediate change to the law is required.

Firstly, both the South Australian Law Reform Institute and the Legislative Review Committee recommended repeal of the *Sexual Reassignment Act 1988*. Currently the *Sexual Reassignment Act 1988* provides the only means for a person to change their registered sex or gender on their South Australian Birth Certificate. In its report, the Legislative Review Committee noted that the Act was well intentioned legislation at the time it was enacted, and was the first of its time in Australia. However, both the South Australian Law Reform Institute and the Legislative Review Committee submit that the Act is no longer appropriate and its provisions are outdated. This Bill will see this Act is repealed.

To replace this outdated scheme, the South Australian Law Reform Institute and the Legislative Review Committee recommended amendments to the *Births, Deaths and Marriages Registration Act 1996* to provide for a

simpler and less invasive process for people to change their registered sex or gender identity on the formal record. These recommendations are broadly consistent with one another.

Although both reports recommended the need for a clearer, more direct process, each report provided an alternative approach to the application process for both adults and children. The South Australian Law Reform Institute recommended that to process a change, the Registrar must not require evidence that the applicant has undergone sexual or gender reassignment treatment. Conversely, the Legislative Review Committee recommended that applicants provide a statement from a medical practitioner stating that the applicant has undergone or is undergoing appropriate clinical treatment. The Committee expressly stated that hormone treatment or sexual reassignment treatment are not to be a pre-requisite for establishing 'appropriate medical treatment'. Unlike the current requirements in South Australia, appropriate clinical treatment can be in the form of counselling from a trained professional. This is a far less invasive approach, however one which ensures that people access some level of care and support during this process.

After close consideration of these alternative options, the approach recommended by the Legislative Review Committee was identified as the most appropriate for adoption. These recommendations are aligned to current Births, Deaths and Marriages Registration practices in South Australia and share consistencies with Commonwealth process, in particular, registration of alterative sex or gender on Australian passports.

These amendments have been drafted with appropriate safeguarding measures, in particular, measures to ensure the effective control and management of sensitive information.

I remain strongly committed to ensuring that discrimination based on LGBTIQ status or gender is struck from our statute book. It is not good enough that we continue to have people feeling unsafe or undervalued in our community.

As stated in the Australian Human Rights Commission's 2015 Report, *Resilient Individuals*, 'most Australians take their identity documents for granted.' For many in our community, these changes will have little or no impact, but for those who are impacted, these changes will be profound.

No South Australian should face discrimination and much more is required to ensure every area of discrimination is erased, and that as a community we celebrate the rich diversity amongst us.

Our fellow LGBTIQ South Australians are valued members of our community and it is my aim to ensure that like their peers, LGBTIQ people feel valued, safe and are given every opportunity to thrive in South Australia. It is hoped that these reforms will help to achieve this outcome.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Births, Deaths and Marriages Registration Act 1996*

4—Amendment of section 3—Objects of Act

The objects of the Act are amended to reflect the scheme for changing sex or gender identity.

5—Amendment of section 4—Definitions

The definition of registrable event is amended to reflect the scheme for changing sex or gender identity.

6—Insertion of Part 4A

New Part 4A is inserted:

Part 4A—Change of sex or gender identity

Division 1—Preliminary

29H—Preliminary

Definitions and an interpretative provision are inserted for the purposes of the measure.

Division 2—Applicants born in South Australia

29I—Application to change sex or gender identity

Persons 16 or older born in the State may apply for registration of a change of their sex or gender identity.

The regulations will recognise kinds of sex or gender identities that may be registered.

29J—Application to change child's sex or gender identity

A parent or guardian of a child under the age of 16 years may apply for registration of a change of the child's sex or gender identity.

29K—Material supporting application

An application must contain evidence from a medical practitioner or psychologist certifying that the person is receiving or has received appropriate clinical treatment in relation to the person's gender identity or specified evidence from another jurisdiction.

29L—Change of sex or gender identity

The Registrar may register a change of sex or gender identity.

29M—Special provision relating to access to Register and issue of extracts and certificates

Provision is made in relation to access to the Register and issue of extracts and certificates from the Register after a person has had a change in their sex or gender identity registered.

29N—Use of old birth certificate to deceive

An offence is prescribed (in relation to a person whose sex or gender identity has changed) of producing a birth certificate that shows a person's sex or gender identity before the registration of a change to deceive.

Division 3—South Australian residents born outside Australia

29O—Application for identity acknowledgement certificate

Persons 16 or older born outside Australia whose births are not registered in another State or Territory and who are resident here may apply for an identity acknowledgement certificate.

29P—Application for identity acknowledgement certificate in respect of child

A parent or guardian of a child under the age of 16 years born outside Australia whose birth is not registered in another State or Territory and who is resident here may apply for an identity acknowledgement certificate.

29Q—Issue of identity acknowledgement certificate

The Registrar may issue an identity acknowledgement certificate.

29R—Effect of identity acknowledgement certificate

It is provided that a person issued an identity acknowledgement certificate is of the sex or gender identity specified in the identity acknowledgement certificate.

Division 4—General provisions

29S—Registrar may limit number of applications

The Registrar is authorised to determine a limit on the number of applications that may be made in respect of a person under the Part.

The Registrar may refuse to deal with an application in excess of the limit. An appeal against the refusal is provided for.

29T—Entitlement not affected by change of sex or gender identity

A person who has an entitlement under a will, trust or other instrument does not lose the entitlement only because of a change in the person's sex or gender identity or the issue of an identity acknowledgement certificate (unless the will, trust or other instrument otherwise provides).

29U—Change of sex or gender identity—interaction with other laws

An interpretative provision is included to the effect that a person who has changed their sex or gender identity or has been issued an identity acknowledgement certificate under the Part will be taken to have satisfied a requirement under another Act or law that the person provide details of their sex if the person provides details of their sex or gender identity as changed.

Schedule 1—Repeal and transitional provision

1—Repeal of *Sexual Reassignment Act 1988*

The *Sexual Reassignment Act 1988* is repealed.

2—Transitional provision

A provision is included that continues in effect a recognition certificate issued under the *Sexual Reassignment Act 1988* before its repeal (so that those certificates may continue to be registered).

Debate adjourned on motion of Ms Chapman.

STATUTES AMENDMENT (SACAT) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (10:37): Obtained leave and introduced a bill for an act to amend the Statutes Amendment (SACAT) Act 2014. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (10:37): I move:

That this bill be now read a second time.

Today, I am introducing the Statutes Amendment (SACAT) Amendment Bill 2016 for the purpose of repealing part 12 of the Statutes Amendment (SACAT) Act 2014. The 2014 SACAT Act was given royal assent on 12 December 2014. It includes part 12, which is uncommenced and is intended to confer jurisdiction of the Public Sector Grievance Review Commission (PSGRC) on the South Australian Civil and Administrative Tribunal.

In accordance with section 7(5) of the Acts Interpretation Act 1915, unless part 12 is brought into operation earlier by proclamation, part 12 will commence operation automatically in December of this year on the second anniversary of the date of the royal assent given to the Statutes Amendment (SACAT) Act 2014. The government has concurrently introduced a partner bill to this bill. The Statutes Amendment (South Australian Employment Tribunal) Bill 2016 proposes that the jurisdiction of the PSGRC is to be conferred on the South Australian Employment Tribunal, rather than on SACAT.

It is the government's intention at this time that the relevant provisions of the employment tribunal bill will commence on 1 July 2017, so the present bill will repeal part 12 of the Statutes Amendment (SACAT) Act 2014 to avoid the PSGRC jurisdiction being conferred on SACAT automatically in December of this year. It would be undesirable for the PSGRC jurisdiction to be conferred on SACAT in December of this year, only then to be conferred on the employment tribunal in July of next year. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Statutes Amendment (SACAT) Act 2014*

3—Repeal of Part 12

This clause deletes Part 12 of the *Statutes Amendment (SACAT) Act 2014*.

Debate adjourned on motion of Ms Chapman.

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (10:40): Obtained leave and introduced a bill for an act to amend various acts relating to the jurisdiction of the South Australian Employment Tribunal. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (10:40): I move:

That this bill be now read a second time.

Today, I am introducing the Statutes Amendment (South Australian Employment Tribunal) Bill 2016 for the purpose of conferring a range of further jurisdictions on the SAET. The SAET was established by the South Australian Employment Tribunal Act 2014. It commenced operations on 1 July 2015 with jurisdiction over workers compensation (now, return to work) disputes under the Return to Work Act 2014.

The workers compensation tribunal remained in existence until 9 March this year to complete matters under the former worker's rehabilitation and compensation act. Since the dissolution of the workers compensation tribunal on 9 March this year, the SAET has also been exercising jurisdiction to finalise the remaining outstanding workers compensation disputes under the WRC act.

The SAET was established on the premise that collective industrial relations skills and employment of the SAET's members and administration would in the future be fully utilised for resolving other employment-related disputes. The aim is that the SAET will, as much as possible, be a one-stop shop for resolving disputes between employers and employees.

With the SAET now established, the bill proposes to amend the SAET Act and a number of other acts to confer additional employment-related jurisdiction on the SAET. In summary, the bill proposes:

- to amend the SAET Act to give the powers and functions necessary to exercise the expanded range of jurisdictions;
- to confer on the SAET jurisdiction over dust diseases matters under the Dust Diseases Act 2005;
- to confer on the SAET the whole of the existing jurisdictions of the Industrial Relations Court of South Australia and of the Industrial Relations Commission of South Australia and to make consequential changes to the Construction Industry Long Service Leave Act, the Fair Work Act, the Fire and Emergency Services Act, the Industrial Referral Agreements Act, the Long Service Leave Act, the Public Sector Act, the Training and Skills Development Act and the Work Health and Safety Act;
- to confer on the SAET the jurisdictions of the Teachers Appeal Board and teachers classification review panels and to make consequential changes to the Education Act and the Technical and Further Education Act 1975;
- to confer on the SAET the jurisdiction of the Equal Opportunity Tribunal and to make consequential changes to the Equal Opportunity Act;
- to confer on the SAET partial jurisdiction of the Police Review Tribunal and make consequential changes to the Police Act; and
- to confer on the SAET the jurisdiction of the Public Sector Grievance Review Commission and to make consequential changes to the Public Sector Act.

I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The general approach taken in drafting the Bill has been that where provisions in an Act conferring jurisdiction on SAET replicate measures in the SAET Act, the conferring Act's provisions are to be deleted. The consequent effect of this is that, as with the *Return to Work Act 2014*, the SAET Act and the relevant conferring Acts, as amended by this Bill, will operate concurrently in the respective jurisdiction. Consultation has occurred with the affected courts, tribunals and other bodies, which has assisted in the drafting process and has enabled ongoing communication during this period of transition to SAET about the changes that lie ahead.

The Bill preserves in each of the conferring Acts specific functions, processes and powers that are unique or necessary to the respective jurisdiction. If special arrangements or powers are preserved by the amendments to the conferring Acts, and these differ from the provisions of the SAET Act, existing provisions in the conferring Act will prevail.

Transitional provisions will be inserted into each conferring Act that is subject to amendment by this Bill. The transitional provisions address the status of directions, orders, applications, reviews or appeals before and after the amended provisions take effect.

Turning now to the main features of the Bill.

Amendment of South Australian Employment Tribunal Act 2014

The Bill proposes to establish a part of the SAET that is the Tribunal in Court Session, and which is to be referred to as the South Australian Employment Court ('the Court'). This is proposed for constitutional reasons to enable SAET to exercise both non-judicial and judicial powers, with the latter being exercised in the Court part of SAET. This structure is modelled on the New South Wales Industrial Relations Commission (which operates with a 'Commission in Court Session'). Matters to be heard in the Court will be assigned to it either by the SAET Act, by a conferring Act or by SAET's rules. For example, the jurisdiction in respect of criminal offences would be assigned to the Court by proposed amendments to the SAET Act in this Bill.

The current President of SAET is the Senior Judge of the Industrial Relations Court. Under the *Fair Work Act 1994*, the person appointed to be the Senior Judge of the Industrial Relations Court could be either a judge of the District Court or a person who is eligible to be appointed a judge of the District Court. The Bill proposes that the President of the SAET will be a judge of the District Court. SAET's Deputy Presidents will be either District Court judges or magistrates. Transitional provisions are included in the Bill with respect to the President and Deputy Presidents of SAET.

The Bill also proposes a new category of non-Presidential SAET member called a Supplementary Panel Member. Supplementary Panel Members will be used on a sessional basis in the same way as the panels of nominees that are an existing feature of some Acts that will confer jurisdiction on SAET. This includes the employer association-nominated panel members and employee association-nominated panel members that currently assist boards, tribunals and other bodies to hear matters under the *Education Act 1972*, *Fire and Emergency Services Act 2005*, *Public Sector Act 2009* and under the *Work Health and Safety Act 2012*. SAET members will, when required, utilise the industry expertise of Supplementary Panel Members when hearing some matters.

The Bill proposes that SAET be conferred a broad common law jurisdiction to hear and determine disputes arising under contracts of employment. SAET will also be able to decide monetary claims between employers and employees under an award, enterprise agreement or contract of employment or under the *Fair Work Act 1994* or the *Fair Work Act 2009* (Cth), which is a jurisdiction currently exercised by the Industrial Relations Court. SAET would also hear common law damages claims for workplace injuries under Part 5 of the *Return to Work Act 2014*.

The Bill would make a number of procedural changes to the SAET Act, including as to reviews and appeals, to reflect the new jurisdictions that SAET will exercise, including that it will have a part that is the Court and that it will exercise criminal jurisdiction.

Criminal Jurisdiction

Regulations made under the *Summary Procedure Act 1921* currently declare some summary offences to be 'industrial offences'. Industrial offences can only be heard by industrial magistrates, who are magistrates assigned by the Governor under section 19A of the *Fair Work Act 1994* to be industrial magistrates. The Bill proposes to amend the *Summary Procedure Act 1921* to repeal the provisions referring to industrial magistrates and industrial offences. Instead, the members of SAET who are magistrates will hear criminal proceedings for summary or minor indictable offences in the South Australian Employment Court. The criminal matters that can be heard in the Court will be assigned to the Court by legislation. Under the changes proposed by the Bill, the Court will deal with a charge of a summary or minor indictable offence in the same way that the Magistrates Court currently deals with such a charge under the *Summary Procedure Act 1921*.

Dust Diseases

The Bill proposes to amend the *Dust Diseases Act 2005* so that SAET, in the part that is the South Australian Employment Court, will have jurisdiction to hear dust disease matters. This jurisdiction is currently conferred only on the District Court but matters are heard by judges of that Court who also hold commissions as judges of the Industrial Relations Court.

Industrial Relations Court and Industrial Relations Commission

The Industrial Relations Court is currently constituted under the *Fair Work Act 1994*. Its primary jurisdiction is derived from the *Fair Work Act 1994* and involves the interpretation of awards and enterprise agreements and jurisdiction to determine monetary claims, but the Industrial Relations Court can also hear civil proceedings under the *Work Health and Safety Act 2012*.

The Industrial Relations Commission is also constituted under the *Fair Work Act 1994*. The Commission has jurisdiction to approve enterprise agreements, to make awards regulating remuneration and other industrial matters, to resolve industrial disputes and, among other things, hear and determine industrial matters.

The Bill proposes to confer on SAET all of the jurisdictions of the Industrial Relations Court and Industrial Relations Commission and to dissolve the Industrial Relations Court and Industrial Relations Commission.

The Bill would amend the *Fair Work Act 1994* to remove the procedural provisions that will now appear in the SAET Act and to make consequential amendments necessary to ensure that SAET can exercise the jurisdictions of the Industrial Relations Court and Industrial Relations Commission. The Bill proposes to remove the provisions of the *Fair Work Act 1994* relating to Commissioners. The Commission's President, Deputy President and the Commissioner are all members of the Industrial Relations Commission. In SAET, the duties of Commissioners will be performed by SAET's members. Transitional provisions have been included to allow for the remaining members of the Commission, not appointed as Deputy Presidents of the SAET, to be appointed as Conciliation Officers for a period of 5 years. The Bill provides for these conciliation officers to continue to use the title Commissioner in the SAET and does not intend to affect the person's position or status for the purposes of continuing to hold an appointment as a member of an industrial authority under a law of the Commonwealth.

The Industrial Relations Court and/or the Industrial Relations Commission also exercise jurisdiction under the *Construction Industry Long Service Leave Act 1987* (reviews of decisions of the Construction Industry Long Service Leave Board), *Fire and Emergency Services Act 2005* (appeals of appointment nominations of the Chief Officer and reviews of disciplinary decisions of the Chief Officer and of the SAMFS Disciplinary Committee*), Industrial Referral Agreements Act 1986* (resolution of industrial disputes referred by agreement), *Long Service Leave Act 1987* (exemptions and reviews of decisions and other orders in respect of workers' entitlements to long service leave), *Public Sector Act 2009* (reviews of prescribed employment-related decisions made by public sector agencies), *Training and Skills Development Act 2008* (reviews of compliance notices issued against employers, suspension of apprentices and trainees for misconduct, resolution of disputes between parties to a training contract) and the *Work Health and Safety Act 2012* (disqualification of a health and safety representative, civil proceedings in relation to discriminatory or coercive conduct, external reviews of certain reviewable decisions). Consequential amendments are made to these Acts to enable SAET to exercise these jurisdictions.

Consequential amendments are also proposed to be made by the Bill to the *Courts Administration Act 1993*, *Judges Pensions Act 1971, Magistrates Court Act 1991* and the *Oaths Act 1936* to reflect the dissolution of the Industrial Relations Court and Industrial Relations Commission and the conferral of their jurisdictions on SAET.

Teachers Appeal Board

The Teachers Appeal Board has jurisdiction to determine appeals under the *Education Act 1972* in respect of a decision made in the public school system in relation to the employment or the disciplining of a teacher. The Board also has jurisdiction to hear appeals in respect of similar decisions made in respect of persons appointed under the *Technical and Further Education Act 1975*. Reviews of decisions of the Director-General regarding applications by teachers for reclassification are heard by classification review panels established under the *Education Act 1972*. The Bill proposes consequential amendments to the *Education Act 1972* and the *Technical and Further Education Act 1975* to confer on SAET the jurisdictions of the Teachers Appeal Board and of classification review panels.

Equal Opportunity Tribunal

The Equal Opportunity Tribunal has jurisdiction to hear and determine matters in respect of unresolved discrimination complaints referred from the Equal Opportunity Commissioner. This includes discrimination that occurs in an employment context. The Bill proposes consequential amendments to the *Equal Opportunity Act 1984* to confer the Tribunal's jurisdiction on SAET.

Police Review Tribunal

The *Police Act 1988* confers jurisdiction on the Police Review Tribunal to review certain decisions relating to the termination of appointment or transfer of a member of SAPOL and regarding selections for appointment to promotional positions. The Bill proposes consequential amendments to the *Police Act 1988* to confer partial jurisdiction of the Police Review Tribunal on SAET, i.e. jurisdiction over terminations and transfers. Jurisdiction covering promotion reviews will continue to be dealt with by the Police Review Tribunal.

Public Sector Grievance Review Commission

The *Public Sector Act 2009* provides public sector employees employed in the Public Service with a right to apply for review of certain employment decisions to the Public Sector Grievance Review Commission. The Bill proposes consequential amendments to the *Public Sector Act 2009* to confer the Commission's jurisdiction on SAET.

The *Statutes Amendment (SACAT) Act 2014* was passed by Parliament in December 2014 and includes provisions that would confer the Commission's jurisdiction on the South Australian Civil and Administrative Tribunal (SACAT). The disputes dealt with by the Commission concern the employment of Public Servants and therefore this jurisdiction is more appropriate for SAET than SACAT. It is proposed to repeal the relevant provisions of the *Statutes Amendment (SACAT) Act 2014* by way of a forthcoming SACAT-related Bill to be introduced into Parliament.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

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

4—Amendment of section 3—Interpretation

This clause inserts or substitutes defined terms.

5—Amendment of section 5—Establishment of Tribunal

This clause amends section 5 of the principal Act to provide that the Tribunal will have a part that is the Tribunal in Court Session, which will be a court of record and will be called the *South Australian Employment Court*. The Tribunal will also have a part that is the Tribunal acting as an industrial relations commission.

6—Substitution of section 6

This clause inserts proposed sections 6, 6A and 6B into the principal Act to establish the jurisdiction of the Tribunal. SAET's jurisdiction will include matters conferred on it by another Act as well as jurisdiction to try a charge for an offence. Proposed section 6A sets out that the manner in which the South Australian Employment Court will deal with a charge of a summary or minor indictable offence.

6—Jurisdiction of Tribunal 6A—Conferral of jurisdiction—criminal matters 6B—Conferral of jurisdiction—related matters

7—Insertion of section 7A

This clause inserts proposed section 7A into the principal Act.

7A—Seals

Proposed section 7A states that the South Australian Employment Court must have a seal.

8—Amendment of section 9—The members

This clause amends section 9 of the principal Act and provides for the inclusion of supplementary panel members as Tribunal members.

9—Substitution of section 10

This clause substitutes section 10 of the principal Act and relates to the appointment of the President of the Tribunal.

10—Appointment of President

The provision sets out that the President will be a judge of the District Court. It also sets out various terms and conditions that apply to the appointment.

10—Amendment of section 12—Acting President

This clause amends section 12 of the principal Act to provide that the a person who is a Deputy President or a judge of the District Court may be appointed to act as the President.

11—Insertion of section 12A

This clause inserts new section 12A to establish that will be at least 2 Deputy Presidents of the Tribunal.

12A—Number of Deputy Presidents

12—Substitution of section 13

This clause substitutes section 13 of the principal Act and relates to the appointment of Deputy Presidents of the Tribunal.

13—Appointment of Deputy Presidents

The provision sets out the basis on which a Deputy President may be appointed and the various terms and conditions that apply to the appointment.

13—Insertion of Part 2 Division 3A

This clause inserts Part 2 Division 3A.

Division 3A—Supplementary panel members

18A—Supplementary panel members

Proposed section 18A provides the mechanism for establishing panel members as required. The provision establishes the various terms and conditions that apply to any appointment.

14—Amendment of section 19—Constitution of Tribunal and its decision-making processes

This clause amends section 19 of the principal Act to provide for the constitution of the South Australian Employment Court.

15—Amendment of section 20—Who presides at proceedings of the Tribunal

This amendment is consequential on the insertion of proposed section 18A relating to supplementary panel members.

16—Amendment of section 22—Determination of questions of law

This clause amends section 22 of the principal Act to substitute references to the Full Bench of the Tribunal with references to the Full Bench of the South Australian Employment Court.

17—Repeal of section 23

This clause deletes section 23 of the principal Act which provides for the establishment of streams or lists reflecting areas of jurisdiction of the Tribunal.

18—Insertion of Part 2 Division 6

This clause inserts Part 2 Division 6 which sets out additional provisions relating to the jurisdiction of the South Australian Employment Court.

Division 6—Additional provisions relating to jurisdiction

26A—Declaratory judgments

This section provides that the South Australian Employment Court may, on matters within its jurisdiction, make binding declarations of right.

26B—Other provisions relating to civil jurisdiction of Court

This section provides that the South Australian Employment Court may, in exercising civil jurisdiction, exercise any power under Part 6 of the *District Court Act 1991* subject to certain modifications.

26C—Binding nature of decisions

This section provides that any decision or determination of the South Australian Employment Court binds the parties to the relevant matter.

Division 7—Additional provisions relating to jurisdiction under *Return to Work Act 2014*

26D—Civil jurisdiction under *Return to Work Act 2014*

This section confers exclusive jurisdiction on the South Australian Employment Court to hear and determine an action for damages in respect of matters to which Part 5 of the *Return to Work Act 2014* applies.

26E—Rights of action and recovery against third parties

This section establishes that a reference in section 66 of the *Return to Work Act 2014* to the District Court will be taken to include a reference to the Tribunal and that the jurisdiction of the Tribunal and this section is assigned to the South Australian Employment Court.

26F—Review jurisdiction under *Return to Work Act 2014*

This section provides that a reference to Part 3 of the *South Australian Employment Tribunal Act 2014* in section 103 of the *Return to Work Act 2014* will be taken to be a reference to Part 3 Division 1.

26G—Injuries that develop gradually

This section establishes that a reference in section 188 of the *Return to Work Act 2014* to the Industrial Relations Court of South Australia will be taken to be a reference to the Tribunal and that the jurisdiction of the Tribunal under this section is assigned to the South Australian Employment Court.

26H—Criminal jurisdiction

The provision states that the South Australian Employment Court is conferred with jurisdiction to try a charge for an offence against the *Return to Work Act 2014*.

26I—Appeals

Proposed section 26I provides that an appeal from a decision of the Tribunal under the *Return to Work Act 2014* (other than in the exercise of its criminal jurisdiction) will be limited to a question of law.

19—Insertion of heading

This clause inserts a heading for Part 3 Division 1.

Division 1—Review jurisdiction

20—Insertion of section 26J

This clause inserts proposed section 26J.

26J—Application of Division

Proposed section 26J makes provision for the application of Part 3 Division 1 and sets out the Tribunal's review jurisdiction.

21—Amendment of section 27—General nature of proceedings

The amendments made by this clause are consequential on the structural changes made to Part 3.

22—Insertion of new Part 3 Division 2

This clause inserts new Part 3 Division 2.

Division 2—Application of Division

31A—Application of Division

Proposed section 31A makes provision for the application of Part 3 Division 1. It provides for the Tribunal acting as the original decision-maker.

23—Amendment of section 32—Principles governing hearings

This clause amends section 32 of the principal Act by inserting proposed subclause (1a) to provide that the South Australian Employment Court is a court of record and to provide that the Tribunal may give directions about any question of evidence.

24—Amendment of section 34—Entry and inspection

The clause amends section 34 to expand entry and inspection powers so that they extend to buildings, structures, ships or vessels.

25—Amendment of section 49—Joinder of parties etc

This clause amends section 49 to give the Tribunal power to order that a person be removed as a party to the proceedings.

26—Amendment of section 52—Costs

This clause amends section 52 of the principal Act to enable the Tribunal to take into account the nature of the cause of action or proceedings when determining whether to make an order for payment by a party for the costs of another party or person.

27—Amendment of section 66—Internal review

This clause amends section 66 of the principal Act and sets out the manner in which a review of a decision of the Tribunal will be determined.

28—Substitution of section 67

67—Appeals

This clause substitutes section 67 of the principal Act to provide for appeals to the Full Bench of the South Australian Employment Court.

29—Amendment of section 68—Final appeal to Supreme Court

The amendments made by this clause are consequential.

30—Amendment of section 69—Effect of appeal on decision

This amendment is consequential.

31—Amendment of section 70—Reservation of questions of law

This clause amends section 70 to enable the South Australian Employment Court to reserve a question of law for determination by the Full Bench of the South Australian Employment Court.

32—Insertion of section 83A

This clause inserts proposed section 83A to facilitate the transfer of proceedings before the Tribunal to another tribunal or court.

83A—Transfer of proceedings

33—Amendment of section 86—Enforcement of decisions and orders of Tribunal

This clause amends section 86 of the principal Act to insert a definition of the term monetary order.

34—Insertion of section 88A

This clause inserts proposed section 88A to enable the Tribunal to issue a summons, notice or warrant to require the attendance of a person who is held in custody.

88A—Production of persons held in custody

35—Substitution of section 91

This clause substitutes section 91 with proposed sections 91 to 91B.

91—Disrupting proceedings of Tribunal

Proposed section 91 sets out the circumstances in which a person commits a contempt of the Tribunal.

91A—Punishment of contempts

Proposed section 91A establishes that a fine is payable for the offence of contempt of the Tribunal and that the jurisdiction to deal with the offence is vested in the South Australian Employment Court.

91B—Offences

Offences under the principal Act lie within the criminal jurisdiction of the South Australian Employment Court.

36—Transitional provisions

This clause provides for certain transitional arrangements.

Part 3—Amendment of *Dust Diseases Act 2005*

37—Amendment of section 3—Interpretation

This clause inserts a definition of SAET.

38—Insertion of section 4A

This clause inserts section 4A to provide that SAET is to have jurisdiction to hear and determine proceedings in relation to dust disease action. The provision assigns the jurisdiction to the South Australian Employment Court.

4A—Jurisdiction of SAET

39—Amendment of section 5—Expeditious hearing and determination of dust disease actions

This clause inserts a reference to SAET into section 5 of the principal Act.

40—Repeal of section 6

This clause repeals section 6.

41—Amendment of section 7—Costs

This clause amends section 7 to provide that costs of proceedings in dust disease actions before SAET will be allowed or awarded on the same basis as for actions in the District Court.

42—Amendment of section 8—Evidentiary presumptions and special rules of evidence and procedure

This clause amends section 8 to provide for references to SAET.

43—Amendment of section 9—Damages

This clause amends section 9 to insert references to the District Court or SAET.

44—Amendment of section 10—Procedure where several defendants or insurers involved

This clause amends section 10 to make reference to the District Court or SAET.

Part 4—Amendment of *Fair Work Act 1994*

45—Amendment of section 3—Objects of Act

These amendments are consequential and reflect changes made to the principal Act as a result of the substitution of Chapter 2 of the principal Act and the conferral of jurisdiction on SAET.

46—Amendment of section 4—Interpretation

This clause makes amendments to various definitions and makes provision for the definition of SAET as the South Australian Employment Tribunal established under the *South Australian Employment Tribunal Act 2014*.

47—Substitution of Chapter 2

This clause substitutes Chapter 2 of the principal Act to give SAET jurisdiction of matters that currently fall within the jurisdiction of the Industrial Relations Court or the Industrial Relations Commission.

Chapter 2—Jurisdiction of SAET—special provisions

Part 1—Interpretative and other jurisdiction, declarations and injunctions

7—Jurisdiction of SAET

The provision establishes the jurisdiction of SAET to adjudicate on rights and liabilities arising out of employment.

8—Jurisdiction to interpret awards and enterprise agreements

The provision provides that SAET has jurisdiction to interpret an award or enterprise agreement.

9—Jurisdiction to decide monetary claims under industrial laws or instruments

This clause gives SAET (constituted as the South Australian Employment Court) jurisdiction to hear and determine monetary claims of a kind specified by the provision.

10—Jurisdiction to hear and determine questions arising under contracts of employment

This clause gives SAET (constituted as the South Australian Employment Court) jurisdiction in relation to contracts of employment.

11—Declaratory jurisdiction

The provision ensures that SAET has jurisdiction to make declaratory judgments.

12—Orders to remedy or restrain contraventions

This provision gives SAET jurisdiction to make certain specified orders in the case of a contravention or failure to comply with a provision of the principal Act, an award or an enterprise agreement.

Part 2—Processes associated with industrial matters and disputes

13—Amendment or rectification of proceedings

The provision enables SAET to allow amendments or make corrections to notices, submissions and other documents associated with proceedings to correct errors and defects.

14—Power to re-open questions

The provision enables SAET to re-open questions previously decided and to amend or quash an earlier determination.

15—General power of waiver

The provision gives SAET power to waive the requirement to comply with a procedural requirement.

16—Applications to SAET

The provision concerns applications to SAET in relation to proceedings under the principal Act.

17—Advertisement of applications

The provision ensures that reasonable notice is given of the substance of an application before it is heard.

18—Provisions of award etc relevant to how SAET intervenes in dispute

The provision sets out that SAET must consider whether, when or how it will exercise its powers in relation to the industrial dispute having regard to certain specified matters.

19—Voluntary conferences

The provision enables SAET to call a voluntary conference of the parties.

20—Compulsory conference

The provision establishes that SAET may call a compulsory conference of parties involved in an industrial dispute.

21—Reference of questions for determination

The provision provides that the person presiding at a compulsory conference may refer the subject matter of the conference for determination by SAET.

22—Experience gained in settlement of dispute

The provision enables SAET to invite parties to the dispute to take part in discussions after the dispute has settled.

Part 3—Representation

23—Representation

The provision sets out the entitlement of parties to certain representation.

24—Registered agents

The provision sets out the requirement for a register of registered agents.

25—Inquiries into conduct of registered agents or other representative

The clause makes provision for inquiries and disciplinary action in relation to the conduct of registered agents.

Part 4—Concurrent appointments—other industrial authorities

26—Concurrent appointments

The proposed section provides for the appointment of SAET members as members of an industrial authority under the law of the Commonwealth or another State.

27—Powers of member holding concurrent appointments

The proposed section enables a member who holds a concurrent appointment to simultaneously exercise powers deriving from both or all appointments.

Part 5—Special provisions relating to monetary claims

28—Interpretation

The provision inserts a definition of monetary claim.

29—Limitation of action

The provision re-enacts current section 179 of the principal Act.

30—Who may make a claim

The provision re-enacts current section 180 of the principal Act.

31—Simultaneous proceedings not permitted

The provision re-enacts current section 181 of the principal Act with certain modifications to reflect the conferral of jurisdiction on the South Australian Employment Court.

32—Award to include interest

The provision re-enacts current section 183 of the principal Act with certain modifications to reflect the conferral of jurisdiction on the South Australian Employment Court.

33—Monetary judgment

The provision re-enacts current section 184 of the principal Act with certain modifications to reflect the conferral of jurisdiction on the South Australian Employment Court.

34—Costs

The provision re-enacts current section 185 of the principal Act with certain modifications to reflect the conferral of jurisdiction on South Australian Employment Court.

48—Amendment of Chapter 3—Employment

This clause makes amendments to Chapter 3 that are consequential on the dissolution of the Commission and the conferral of jurisdiction on SAET.

49—Amendment of section 99G—Recovery of amount of unpaid remuneration

This clause makes amendments that are consequential.

50—Amendment of Chapter 4—Associations

This clause makes amendments to Chapter 4 that are consequential on the dissolution of the Commission and the conferral of its jurisdiction on SAET.

51—Repeal of Chapter 5

This clause repeals Chapter 5 of the principal Act.

52—Amendment of section 219—Confidentiality

This amendment is consequential and substitutes a reference to the Court or the Commission with a reference to SAET.

53—Insertion of sections 219A to 219D

This clause inserts section 219A to 219D.

219A—Who are inspectors

The proposed section provides for the appointment of inspectors.

219B—General functions of inspectors

The provision sets out the functions of inspectors.

219C—Powers of inspectors

The provision sets out the powers of inspectors under the principal Act.

219D—Compliance notices

The provision allows an inspector to issue a compliance notice to an employer that has failed to comply with a provision of the principal Act.

54—Amendment of section 220—Notice of determinations of SAET

This amendment is consequential and substitutes references to Commission with references to SAET.

55—Repeal of section 221

This clause repeals section 221 of the principal Act.

56—Amendment of section 223—Discrimination against employee for taking part in industrial proceedings etc

This amendment is consequential and substitutes a reference to the Court or the Commission with a reference to SAET.

57—Amendment of section 230—Orders for payment of money

This amendment is consequential and substitutes references to the Court or the Commission with references to SAET.

58—Amendment of section 234—Proof of awards etc

This amendment is consequential and substitutes references to the Court or the Commission with references to SAET.

59—Amendment of section 235—Proceedings for offences

This amendment establishes that an offence against a provision of the principal Act lies within the criminal jurisdiction of SAET.

60—Amendment of Schedule 2

This amendment is consequential and substitutes references to the Commission with references to SAET.

61—Amendment of Schedule 2A

This amendment is consequential and substitutes references to the Commission with references to SAET.

62—Transitional provisions

This clause provides for certain transitional arrangements.

Part 5—Amendment of *Construction Industry Long Service Leave Act 1987*

63—Amendment of section 4—Interpretation

The following amendments in Part 5 of the Act to the *Construction Industry Long Service Leave Act 1987* replace the existing Appeals Tribunal with SAET as the review body under the Act.

64—Substitution of heading to Part 6

Part 6—Reviews

65—Repeal of section 33

66—Substitution of section 34

34—Review by SAET

67—Repeal of sections 35 and 36

68—Amendment of section 37—Effect of pending review by SAET

69—Transitional provisions

This clause provides for certain transitional arrangements.

Part 6—Amendment of *Courts Administration Act 1993*

70—Amendment of section 4—Interpretation

This clause amends the definition of participating courts to remove the reference to the Industrial Relations Court of South Australia.

Part 7—Amendment of *Criminal Law (Sentencing) Act 1988*

71—Amendment of section 19—Limitations on sentencing powers of Magistrates Court

This clause amends section 19 of the principal Act to remove a limitation that applies to the imposition of fines.

Part 8—Amendment of *Education Act 1972*

72—Amendment of section 5—Interpretation

The following amendments in Part 7 to the *Education Act 1972* replace the Teachers Appeal Board with SAET as the review body under the Act.

73—Amendment of section 16—Retrenchment of officers of the teaching service

74—Amendment of section 17—Incapacity of members of the teaching service

75—Amendment of section 26—Disciplinary action

76—Substitution of section 29

This clause inserts section 29 to provide for the appointment and selection of supplementary panel members for classification reviews.

29—Appointment and selection of supplementary panel members for classification reviews

77—Amendment of section 30—Review of Director-General's decision

78—Repeal of section 31

79—Substitution of Heading to Part 3 Division 8

Division 8—Promotional level positions—appointments and reviews

80—Repeal of sections 45 to 52 (inclusive)

81—Amendment of section 53—Promotional level positions—appointments and reviews

82—Substitution of section 54

This clause provides for certain transitional arrangements.

Part 10 amends the principal Act to replace the Equal Opportunity Tribunal with SAET.

This clause amends section 100 of the principal Act to provide that the Commissioner may, with leave of the Tribunal in proceedings before the Tribunal under the *Fair Work Act 1994*, make submissions and present evidence in those proceedings.

This clause inserts Schedule 1 to establish that there will be a panel of supplementary panel members for the purposes of section 18A of the *South Australian Employment Tribunal Act 2014*.

This clause provides for certain transitional arrangements.

Part 10 makes amendments to the *Fire and Emergency Services Act 2005* that are consequential on the dissolution of the Industrial Relations Commission of South Australia and the conferral of jurisdiction on SAET under the principal Act.

This clause substitutes Schedule 1 of the principal Act and provides for the selection of supplementary panel members for the purposes of proceedings before SAET.

This clause provides for certain transitional arrangements.

Amendments made by Part 11 to the *Industrial Referral Agreements Act 1986* replace the Industrial Relations Commission of South Australia with SAET as the body to which referrals of certain matters under the principal Act are considered.

This clause provides for certain transitional arrangements.

Part 12—Amendment of *Judges' Pensions Act 1971*

102—Amendment of section 4—Interpretation

This clause deletes a Judge of the Industrial Relations Court of South Australia and a Presidential member of the Industrial Relations Commission of South Australia from the definition of *Judge*.

Part 13—Amendment of *Long Service Leave Act 1987*

103—Amendment of section 3—Interpretation

Part 13 makes amendments to the *Long Service Leave Act 1987* that are consequential on the dissolution of the Industrial Relations Commission of South Australia and the conferral of jurisdiction on SAET under the principal Act.

104—Amendment of section 6—Continuity of service

105—Amendment of section 9—Exemptions

106—Amendment of section 12—Inspector may direct employer to grant leave or pay amount due

107—Amendment of section 13—Failure to grant leave

108—Transitional provisions

This clause provides for certain transitional arrangements.

Part 14—Amendment of *Magistrates Court Act 1991*

109—Amendment of section 42—Appeals

The amendments by Part 14 to the *Magistrates Court Act 1991* are consequential on the removal of industrial offences from the *Summary Procedure Act 1921*.

110—Amendment of section 43—Reservation of question of law

Part 15—Amendment of *Oaths Act 1936*

111—Amendment of section 28—Commissioners for taking affidavits

This clause amends section 28 of the principal Act to substitute a reference to the Industrial Relations Court with a reference to the South Australian Employment Tribunal.

Part 16—Amendment of *Police Act 1998*

112—Amendment of section 3—Interpretation

The following amendments made by Part 16 to the *Police Act 1998* substitute the Police Review Tribunal with SAET as the review body under the principal Act (other than in the case of a review of a selection decision).

113—Amendment of section 48—Right of review

114—Repeal of sections 49, 50 and 51

115—Amendment of section 52—Review of certain transfers

116—Amendment of Schedule 1—Police Review Tribunal

117—Transitional provisions

This clause provides for certain transitional arrangements.

Part 17—Amendment of *Public Sector Act 2009*

118—Amendment of section 3—Interpretation

The following amendments made by Part 17 of this Act to the *Public Sector Act 2009* operate to replace the Industrial Relations Commission and the Public Sector Grievance Review Commission as the review bodies under the principal Act with SAET.

119—Amendment of section 25—Public Service employees

120—Amendment of section 49—Remuneration

121—Amendment of section 58—Application of unfair dismissal provisions of Fair Work Act

122—Amendment of section 62—External review

123—Amendment of section 64—Application of Fair Work Act 1994 and South Australian Employment Tribunal Act 2014

124—Substitution of Schedule 2

This clause substitutes Schedule 2 of the principal Act to establish panels of supplementary panel members for the purposes of section 18A of the *South Australian Employment Tribunal Act 2014*.

Schedule 2—Special provisions relating to Tribunal

125—Transitional provisions

This clause provides for certain transitional arrangements.

Part 18—Amendment of *Summary Procedure Act 1921*

126—Amendment of section 4—Interpretation

This clause amends section 4 of the principal Act to remove the definitions of *industrial magistrate* and *industrial offence*.

127—Repeal of section 8

This clause repeals section 8 of the principal Act which requires a charge of an industrial offence to be set down for hearing by an industrial magistrate.

Part 19—Amendment of *Technical and Further Education Act 1975*

128—Amendment of section 4—Interpretation

The following amendments made by Part 19 of this Act to the *Technical and Further Education Act 1975* operate to replace the Appeal Board as the review body under the principal Act with SAET.

129—Substitution of section 17A 18—Appointment and selection of supplementary panel members for reviews 18A—Review by SAET

130—Amendment of section 26—Disciplinary action

131—Amendment of section 43—Regulations

132—Transitional provisions

This clause provides for certain transitional arrangements.

Part 20—Amendment of *Training and Skills Development Act 2008*

133—Amendment of section 4—Interpretation

The amendments made by Part 20 of this Act to the *Training and Skills Development Act 2008* operate to replace the Industrial Relations Commission as the review body under the principal Act with SAET.

134—Amendment of section 49—Term of training contracts

135—Amendment of section 63—Compliance notices

136—Amendment of section 64—Employer may suspend apprentice/trainee for serious misconduct

137—Amendment of section 65—Other matters to be dealt with by SAET

138—Substitution of section 66

66—Holding of compulsory conciliation conferences

139—Amendment of section 67—Representation in proceedings before SAET

140—Transitional provisions

This clause provides for certain transitional arrangements.

Part 21—Amendment of *Work Health and Safety Act 2012*

141—Amendment of section 4—Definitions

The following amendments made by Part 21 of this Act to the *Work Health and Safety Act 2012* operate to replace the Industrial Relations Court under the principal Act with SAET.

142—Amendment of section 65—Disqualification of health and safety representatives

143—Amendment of section 112—Civil proceedings in relation to engaging in or inducing discriminatory or coercive conduct

144—Amendment of section 114—General provisions relating to orders

145—Amendment of section 215—Injunctions for noncompliance with notices

146—Amendment of section 229—Application for external review

147—Amendment of section 230—Prosecutions

This clause amends section 230 of the principal Act so that the existing jurisdiction of the Industrial Relations Court in relation to proceedings for offences under the principal Act is conferred on the South Australian Employment Court.

148—Amendment of section 255—Proceedings for contravention of WHS civil penalty provision

149—Amendment of section 258—Civil proceeding rules and procedure to apply

150—Amendment of section 259—Proceeding for a contravention of a WHS civil penalty provision

151—Amendment of section 262—Recovery of a monetary penalty

152—Amendment of section 263—Civil double jeopardy

153—Amendment of Schedule 3, clause 14

154—Substitution of Schedule 4

This clause establishes panels of supplementary panel members for the purposes of proceedings before SAET.

Schedule 4—Supplementary panel members

1—Supplementary panel members

155—Transitional provisions

This clause provides for certain transitional arrangements.

Debate adjourned on motion of Ms Chapman.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (10:44): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (10:44): I move:

That this bill be now read a second time.

The Criminal Law Consolidation (Mental Impairment) Amendment Bill 2016 implements a number of the recommendations contained in the Sentencing Advisory Council's report on the operation of part 8A of the Criminal Law Consolidation Act 1935.

The council is an advisory body comprised of representatives from the Director of Public Prosecutions, the Parole Board, the Legal Services Commission, the South Australian Bar Association, the Commissioner for Victims' Rights, the Law Society of South Australia, the Attorney-General's Department and South Australia Police. Its membership also includes community representatives and experts. In March 2012, the following terms of reference were referred to the council for its consideration:

To consider the operation of Part 8A of the Criminal Law Consolidation Act 1935 with particular reference to:

- the test of mental incompetence in section 269C;
- the fixing of limiting terms; and

- the supervision of defendants released on licence pursuant to section 269O.

The council completed a recommendation report in November 2014, which contained 27 recommendations to the government, which included some proposals for legislative reform. This bill implements a number of these reforms. I seek leave to insert the remainder of the second reading explanation into *Hansard* without my reading it.

Leave granted.

The Council completed a Recommendation Report in November 2014 which contained 27 recommendations to the Government, which included some proposals for legislative reform. This Bill implements a number of these reforms.

The Bill amends section 269C of the Act to provide a clear legislative definition of 'mental incompetence'.

An additional 'gloss' was added to the definition of 'wrongfulness' in *R v Porter* (1936) 55 CLR 182. Justice Dixon's reference to whether the defendant could 'reason with a moderate degree of sense and composure' has been taken up in other decisions, and has become known as 'the *Porter* gloss'. The intention of the amendment to this subsection is to address one aspect of the *Porter* 'gloss' frequently used both in jury directions and in considerations by the court.

The Bill also amends section 269C(1)(c) to require that the defendant be *totally* unable to control his or her conduct, as recommended by the Council. The intention is to make clear that a partial inability to control one's conduct is not sufficient.

The Bill amends the Act by incorporating provisions which ensure that the paramount consideration of the court must be the safety of the community, when determining whether to release a defendant, or when considering a substantial change to a defendant's licence conditions. In addition, the Bill also explicitly provides that the paramount consideration of the safety of the community outweighs the principle that restrictions on the defendant's freedom and personal autonomy should be kept to a minimum.

This reform is firmly focussed on protecting the safety and well-being of the community.

The Bill inserts new provisions into the Act which provide for a licensee to be administratively detained for up to 14 days where future breaches of licence conditions are likely, or treatment is required to prevent future breaches.

These provisions expressly provide the *prescribed authority* with the power to direct the detention of a defendant for up to 14 days, without the person having an opportunity to be heard in Court, and for the *prescribed authority* to decide where the person will be detained. The *prescribed authority* is defined in section 269A as the person for the time being performing the duties, or holding or acting in the position of Clinical Director, Forensic Mental Health Service South Australia, or if no such person exists, a person declared by the Regulations. The amending provisions also explicitly provide police officers with powers to apprehend relevant licensees, without the need for a court warrant.

The Bill inserts new provisions into the Act, in Division 4 Subdivision 3 of Part 8A, providing for the continued supervision of a defendant. The Bill provides that the Crown may apply to the Supreme Court, within 12 months of the expiry of a defendant's limiting term, to have a continued supervision order made. If the order is made, a defendant will either then be committed to detention or released pursuant to licence conditions until such time as the order is revoked by the court.

There are currently no legislative provisions which permit licence conditions to be extended, or for there to be supervision of a defendant once a defendant's limiting term expires. They are simply released unconditionally. The intention of these provisions is to address concerns which have been raised that there are defendants who at the end of their limiting term remain a risk to the community and should continue to be supervised.

The Bill inserts provisions into the Act which are designed to provide more flexibility for courts of summary jurisdiction, as per a recommendation of the Council. The provisions inserted into Division 3A of Part 8A provide additional dispositions for people found not guilty due to mental incompetence.

These provisions only apply to courts of summary jurisdiction and apply where it has been found the defendant is mentally incompetent to commit the offence or mentally unfit to stand trial, but the court considers it appropriate to utilise these more flexible dispositions.

In these circumstances the court may dismiss the charge and discharge the defendant unconditionally, adjourn the proceedings, remand the defendant on bail or make any other order the court considers appropriate.

The provisions also provide for a court of summary jurisdiction to make a *Division 3A order* releasing a defendant on a licence for a period, which must not exceed 5 years, specified on the licence. This order is designed to be imposed for less serious offences and provides a less onerous avenue for disposition.

The use of the mental impairment defence has become much more common in summary proceedings, and the intention of this reform is to provide flexibility to Magistrates to deal with defendants through flexible remedies.

The Bill amends section 269T(2) of the Act by reducing the number of expert reports the court needs to rely on when considering releasing a defendant under Division 4, or when significantly reducing the degree of supervision to which a defendant is subject to.

A provision has been inserted to provide judicial officers with a discretion to order further reports where necessary.

Factors relevant to that discretion being exercised should include whether there is a dispute over the defendant's diagnosis, the nature of the defendant's impairment and whether it is likely to have changed, and whether the information already available to the court from previous reports is sufficient to address the matters in issue.

The intention of this amendment is to reduce unnecessary expense and unjustifiable delays.

The Bill inserts new provisions which provide for the co-operative interstate transfer of people under supervision in Division 4A of Part 8A.

The insertion of these new provisions will enable South Australian courts to set conditions of supervision where a person who has been under supervision in another participating Australian jurisdiction moves to South Australia. The provisions provide that the South Australian Minister must be satisfied of a number of conditions, and that the Chief Psychiatrist has certified in writing that the transfer is for the benefit of the person and that there are appropriate facilities available in South Australia for their custody, treatment or care.

The provisions also provide that defendants who are currently subject to supervision in South Australia can apply to move interstate to another participating jurisdiction. Similarly, the South Australian Minister must satisfy themselves of certain conditions and again the transfer can only be approved if the Chief Psychiatrist has certified in writing that the transfer is for the benefit of the person subject to the supervision order.

The intention of the insertion of Division 4A is to provide a clear mechanism which provides for the co-operative interstate transfer of people under supervision.

Finally, the Bill inserts a new provision into section 269C of the Act to stop offenders whose mental impairment was caused by self-induced intoxication from utilising the defence of mental incompetence in Part 8A.

Statistics collected from a case file review undertaken by the Attorney-General's Department indicated that almost a quarter of offenders who successfully used the mental incompetence defence were suffering from an impairment caused by drug induced psychosis or from substance abuse and dependence.

The new provision provides that if a person is found mentally incompetent to commit an offence and the trial judge, is satisfied on the balance of probabilities, that the mental impairment at the time of the conduct alleged to give rise to the offence was caused (either wholly or in part) by self-induced intoxication (whether the intoxication occurred at the time of the relevant conduct or at any other time before the relevant conduct), the person may not be dealt with under Part 8A, but may (if appropriate) be dealt with under the Intoxication provisions in Part 8.

Further, the Bill inserts a definition of *intoxication* into section 267A. Intoxication is defined as a temporary disorder, abnormality or impairment of the mind that results from the consumption or administration of a drug. This same definition is also included in section 269A. The definition of *mental impairment* contained in section 269A has also been amended to delete reference to, 'but does not include intoxication'.

These amendments have been designed to address the issue that there are currently no provisions in the Act which specifically address the issue of comorbid mental impairment and substance abuse. The aim of these provisions is to prevent individuals from relying on the defence of mental incompetence if the mental impairment at the time of the conduct alleged to give rise to the offence was caused (either wholly or in part) by self-induced intoxication.

Defendants who seek to rely on the defence are now required to prove, on the balance of probabilities, that their ignorance of the nature and quality of their conduct, inability to appreciate that it was wrong, or inability to control their conduct was *not* a consequence of the combined effect of their mental illness and a state of self-induced intoxication. If they are unable to prove this, they would be prevented from relying on Part 8A of the Act and instead their case would need to be addressed in accordance with the intoxication provisions in Part 8.

This policy intent is reflected clearly in the Bill.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 267A—Definitions

This clause proposes to insert a definition of *intoxication* to match the definition to be inserted in section 269A of the *Criminal Law Consolidation Act 1935* (the *principal Act*).

5—Amendment of section 269A—Interpretation

This clause proposes to insert a number of definitions for the purposes of Part 8A of the principal Act, including definitions that help to define intoxication.

6—Amendment of section 269C—Mental competence

Section 269C sets out the meaning of mental incompetence in relation to the offending conduct. Current paragraph (b) provides that 1 of the tests of mental incompetence to commit an offence is that the person does not know that the person's conduct is wrong. The proposed amendment to section 269C(b) clarifies that test by adding the explanation that this means the person could not reason about whether the conduct, as perceived by reasonable people, is wrong. This amendment would exclude a court, when considering the question, from considering whether the defendant could reason with a moderate degree of sense and composure (as set out in *R v Porter* (1936) 55 CLR 182). It is also proposed to amend paragraph (c) and insert an additional subsection that excludes mental incompetence caused wholly or in part by self-induced intoxication, whether the intoxication occurred at the time of the relevant conduct or at any time before the relevant conduct. It may be appropriate in circumstances where intoxication is a factor to deal with the matter under Part 8 of the principal Act but the matter may not be dealt with under Part 8A.

7—Amendment of section 269F—What happens if trial judge decides to proceed first with trial of defendant's mental competence to commit offence

8—Amendment of section 269G—What happens if trial judge decides to proceed first with trial of objective elements of offence

9—Amendment of section 269M—What happens if trial judge decides to proceed first with trial of defendant's mental fitness to stand trial

10—Amendment of section 269N—What happens if trial judge decides to proceed first with trial of objective elements of offence

These amendments are consequential on the proposed insertion of Division 3A under clause 11.

11—Insertion of Part 8A Division 3A

It is proposed to insert new Division 3A after section 269N. The Division makes provision for the court, when dealing with persons with mental impairment who have been charged with a summary or minor indictable offence, to dispose of the matters in a way other than under Division 4.

Division 3A—Disposition of persons with mental impairment charged with summary and minor indictable offences

Subdivision 1—Principle on which court is to act

269NA—Principle on which court is to act

The paramount consideration of the court in determining whether to release a defendant under this new Division, or the conditions of a licence, must be to protect the safety of the community (whether as individuals or in general). This paramount consideration outweighs the principle that restrictions on the defendant's freedom and personal autonomy should be kept to a minimum.

Subdivision 2—Making, variation and revocation of Division 3A orders

269NB—Division 3A orders

New section 269NB provides that the section applies in respect of a defendant who has been charged with a summary offence or a minor indictable offence in relation to which the court has found—

- on an investigation under Division 2—that the objective elements of the offence are established but the defendant is not guilty of the offence because the defendant was mentally incompetent to commit the offence; or
- on an investigation under Division 3—that the objective elements of the offence are established but the defendant is mentally unfit to stand trial for the offence.

The court may—

(a) dismiss the charge and release the defendant unconditionally; or

(b) declare the defendant to be liable to supervision under Division 4 Subdivision 2; or

(c) make an order (a *Division 3A order*) releasing the defendant on licence for the period (which must not exceed 5 years) specified by the court in the licence; or

(d) adjourn the proceedings; or

(e) remand the defendant on bail; or

(f) make any other order that the court thinks fit.

If the Division 3A order is made releasing the defendant on licence, the licence is subject to conditions prohibiting the possession of firearms and ammunition and any other conditions decided by the court and specified in the licence. New section 269NB provides examples of the sorts of conditions that may be imposed on the licence and procedures for assisting in the determination of proceedings under this Division.

269NC—Court may direct defendant to surrender firearm etc.

New section 269NC gives a court power to direct a defendant to surrender any firearm, ammunition or part of a firearm owned or possessed by the defendant.

269ND—Variation or revocation of condition of Division 3A order

New section 269ND makes provision for the court to vary or revoke a condition of a Division 3A order on application by the Crown, the defendant, the Parole Board, the Public Advocate, or any other person with a proper interest in the matter.

Subdivision 3—Administrative detention for defendant released on licence under this Division

269NE—Administrative detention for defendant released on licence under this Division

This new section provides for administrative detention (for no more than 14 days) if a defendant who has been released on licence under a Division 3A order has breached, or is likely to breach, a condition of the order.

269NF—Powers of police officers relating to persons in respect of whom an administrative detention order has been issued

This new section sets out the powers that a police officer may exercise in relation to a person in respect of whom an administrative detention order has been issued under new section 269NE.

Subdivision 4—Custody, supervision and care

269NG—Custody, supervision and care

This section provides that a defendant who is committed to detention under Division 3A is in the custody of the Minister (being the Minister who is responsible for the administration of the *Mental Health Act 1993*) and sets out the division of responsibilities between the Minister and the Parole Board.

Subdivision 5—Effect of supervening imprisonment on Division 3A order

269NH—Effect of supervening imprisonment on Division 3A order

This section provides that a Division 3A order will be suspended for any period during which a person who has been released on licence under the order is in prison for an offence committed while subject to the licence.

12—Amendment of heading to Part 8A Division 4

This amendment is consequential on the insertion of new Division 3A.

13—Insertion of Part 8A Division 4 Subdivision 1

It is proposed to subdivide Division 4.

Subdivision 1—Principle on which court is to act

269NI—Principle on which court is to act

This section contains the principle on which the court is to act when determining whether to release a defendant under Division 4 or the conditions of a licence and is in identical terms to the principle set out in new section 269NA.

14—Insertion of heading to Part 8A Division 4 Subdivision 2

It is proposed to insert a Subdivision heading before current section 269O. Subdivision 2 will be headed 'Making, variation and revocation of supervision orders'.

15—Amendment of section 269O—Supervision orders

A number of the amendments proposed to section 269O are consequential on the insertion of new provisions in Part 8A of the principal Act; other amendments clarify the conditions that may be imposed on a supervision order under which a defendant is released on licence; and another updates an obsolete reference.

16—Amendment of section 269OA—Court may direct defendant to surrender firearm etc.

These proposed amendments are consequential or update the language of the section.

17—Amendment of section 269P—Variation or revocation of supervision order

These proposed amendments clarify what the court can do on an application for variation or revocation of a supervision order.

18—Amendment of section 269Q—Report on mental condition of defendant

19—Amendment of section 269R—Reports and statements to be provided to court

These amendments are consequential on the proposed insertion of Division 3A and Subdivision 3 in Division 4.

20—Repeal of section 269S

It is proposed to repeal this section as the principle on which a court is to act in respect of supervision orders and continuing supervision orders under Division 4 is now to be articulated in new section 269NI.

21—Amendment of section 269T—Matters to which court is to have regard

Currently, this section requires that a court must consider at least 3 expert reports when determining whether to release a defendant under a supervision order or significantly reduce the level of supervision over the defendant. The proposed amendments will allow for 1 expert report unless the court requires further additional expert reports. Another proposed amendment inserts a public safety consideration into the matters to be taken into account under this section.

22—Amendment of section 269U—Revision of supervision orders

The proposed amendment to section 269U(2) matches the proposed structure of section 269P.

23—Insertion of Part 8A Division 4 Subdivision 3

New Subdivision 3 is proposed to be inserted after section 269U.

Subdivision 3—Continuing supervision orders

269UA—Application for continuing supervision

New section 269UA provides that if a defendant is declared to be liable to supervision under Subdivision 2, whether before or after the commencement of this section, the Crown may, while the defendant remains liable to supervision, apply to the Supreme Court to have the defendant declared to be liable to supervision under a continuing supervision order. An application cannot be made more than 12 months before the end of the limiting term fixed in respect of the relevant supervision order (and the limiting term will be taken to continue until the application is determined by the Court). The section sets out the procedures for such an application, who may be heard and the matters that may be taken into consideration when determining such an application. If the Court is satisfied, on the balance of probabilities, that the defendant to whom the application relates could, if unsupervised, pose a serious risk to the safety of the community or a member of the community, the Court must declare that, on the expiry of the supervision order under Subdivision 2, the defendant is liable to continuing supervision under this Subdivision.

269UB—Continuing supervision orders

New section 269UB provides that if, under section 269UA, the Supreme Court declares a defendant to be liable to continuing supervision, the Court may make an order (a continuing supervision order)—

- committing the defendant to detention under this Subdivision; or
- releasing the defendant on licence.

If the order is made releasing the defendant on licence, the licence is subject to conditions prohibiting the possession of firearms and ammunition and any other conditions decided by the Supreme Court and specified in the licence. The section provides examples of the sorts of conditions that may be imposed on the licence. A continuing supervision order remains in force against the defendant until the order is revoked by the Supreme Court.

269UC—Variation or revocation of continuing supervision order

New section 269UC makes provision for the court to vary or revoke a condition of a continuing supervision order on application by the Crown, the defendant, the Parole Board, the Public Advocate, or any other person with a proper interest in the matter.

269UD—Appeal

New section 269UD makes provision for an appeal to the Full Court against a decision by the Supreme Court—

- to make a declaration and order under this Subdivision; or
- not to make a declaration and order under this Subdivision.

On such an appeal, the Full Court may confirm or annul the decision subject to the appeal; remit the decision to the Supreme Court for further consideration or reconsideration; make consequential or ancillary orders.

Subdivision 4—Administrative detention for defendant released on licence under this Division

269UE—Administrative detention for defendant released on licence under this Division

This new section provides for administrative detention (for no more than 14 days) if a defendant, who has been released on licence under a supervision order or a continuing supervision order under Division 4, has breached, or is likely to breach, a condition of the order.

269UF—Powers of police officers relating to persons in respect of whom an administrative detention order has been issued

This new section sets out the powers that a police officer may exercise in relation to a person in respect of whom an administrative detention order has been issued under new section 269UE.

24—Insertion of heading to Part 8A Division 4 Subdivision 5

The new Subdivision 5 heading is to be 'Custody, supervision and care'.

25—Amendment of section 269V—Custody, supervision and care

This amendment is consequential.

26—Insertion of heading to Part 8A Division 4 Subdivision 6

The new Subdivision 6 heading is to be 'Effect of supervening imprisonment on an order under Division 4'.

27—Insertion of Part 8A Division 4A

It is proposed to insert a new Division in Part 8A after Division 4 of the principal Act dealing with interstate transfer of persons subject to a supervision order.

Division 4A—Interstate transfer of persons subject to supervision order

269VB—Interpretation

This new section provides for the definitions of words and phrases for the purposes of this new Division. A *supervision order*, in new Division 4A, is defined to include a Division 3A order; and both a supervision order and a continuing supervision order under Division 4.

269VC—Informed consent

This new section defines what is to be taken to be informed consent for the purposes of new Division 4A.

269VD—Transfer of persons from South Australia to another participating jurisdiction

This new section sets out what needs to occur administratively to allow and facilitate the transfer of a person who is subject to a supervision order (as defined in new section 269VB) to be transferred to a participating jurisdiction.

269VE—Transfer of persons from participating jurisdiction to South Australia

This new section sets out what needs to occur administratively to allow and facilitate the transfer of a person who is subject to the equivalent of a supervision order under a corresponding law to be transferred from a participating jurisdiction to South Australia.

28—Amendment of section 269Y—Appeals

This proposed amendment is consequential.

29—Amendment of section 269ZB—Arrest of person who escapes from detention etc.

This proposed amendment brings the language of the provision up-to-date.

Debate adjourned on motion of Ms Chapman.

PUBLIC SECTOR (DATA SHARING) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (10:46): Obtained leave and introduced a bill for an act to facilitate the sharing of data between public sector agencies; and for other purposes. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (10:47): I move:

That this bill be now read a second time.

Currently, we have government agencies that are collecting and generating significant amounts of valuable data, but it is largely being used only to inform their own operations. Some of the most challenging social and economic challenges facing this state require a more holistic understanding of the environment. If we are going to be truly innovative in the way the government services and cares for citizens of this state, then agencies must be able to readily share the data that they hold with each other.

It is well established that data analytics can be used to provide insights and a stronger evidence base for developing policy and services. For example, addressing some of the significant health challenges cannot be resolved by simply approaching them with a health lens. The way we use our public spaces, transport, education and welfare all play a part, and the data that is collected in all these agencies can bring new insights for designing health policy and services.

This legislation provides the authority that is needed for agencies to share their data and includes a framework for ensuring that this only occurs in safe circumstances and only for purposes supporting government policy-making, program management, service planning and delivery. I seek leave to insert the remainder of the second reading explanation into *Hansard* without my reading it.

Leave granted.

The main authority and safeguards of the Bill are modelled to some extent on the *Data Sharing (Government Sector) Act 2015* that the New South Wales Parliament passed late last year. Already, New South Wales are progressing policy and service delivery changes inspired by some of the insightful analysis enabled by its legislation.

The artificial boundaries of government departments create barriers to agencies that are seeking to innovate and provide the type of collaborative, joined-up service delivery that people expect.

While we are establishing a distinct Child Protection Department to focus on the important task of protecting our State's vulnerable children, the Department cannot be expected to operate in isolation. This Bill is critical in supporting this new Department and others to work collaboratively for better outcomes.

This legislation will effectively override the legislative or policy barriers that operate to prevent data sharing within government, yet will ensure data sharing is always safe and appropriate.

The two key objectives for this legislation are to promote the management and use of public sector data as a public resource to support good Government policy making, program management and service planning and delivery; and to remove the barriers that impede the sharing of data between agencies.

The data that government holds is a considerable asset, and we want our citizens and the public sector to be confident it is being used and to provide public value. To provide the most public value that can possible come from it.

There are two mechanisms for authorising the sharing of data between public sector agencies under this legislation.

The first is about enabling voluntary data sharing between public sector agencies. In this instance an agency may simply approach another agency with their data request, or an agency may proactively identify the value in sharing data that it controls with another agency.

The second mechanism is that the Minister for the Public Sector may direct a public sector agency to provide data that it controls to another public sector agency. This may be on the Minister's own initiative or perhaps where an agency is unsuccessful in pursuing a voluntary arrangement directly with another agency and seeks the Minister's backing.

Under both mechanisms, the legislation provides authority for data to be shared for the purposes of enabling agencies to develop, improve and undertake policy making, program management, service planning and delivery; and for enabling data analytics work to be carried out on the data to identify issues and solutions regarding these same objectives.

In considering whether the data should be shared, the agency seeking to receive the data must provide satisfactory assurance against a set of Trusted Access Principles. These Principles provide a framework for considering that the quality of the data, the people using it, the storage environment, the purpose for which the data is to be used and any outputs are all considered safe and appropriate before the data is shared and that there are adequate controls in place to support this assessment.

The Trusted Access Principles that are embedded in the Bill reflect international best practice and are employed by the Australian Bureau of Statistics for assessing the safe and appropriate sharing of data.

The legislation predominantly applies to Public Sector Agencies as defined in the *Public Sector Act 2009.* It does allow for additional entities to be added or removed from this definition by way of regulation and the intention is to consult further about which agencies may be appropriate to exclude.

Regarding the definition of public sector data, this also allows for the regulations to prescribe exempt data either being all data held by a prescribed agency, or data of a prescribed kind. In New South Wales, information that is exempt from disclosure under their equivalent of the *Freedom of Information Act 1991* (SA) is exempt also from the data sharing authority. In drafting the regulations for this legislation we will consider what might be appropriate to exempt and take outside the scope of what may be authorised for sharing under this Act.

The Bill includes a number of safeguards to provide protections around the appropriate sharing of data. These include limitations on the further use or disclosure of data for purposes other than those authorised under this legislation. The limited instances include for example where the disclosure is reasonably required to lessen or prevent a serious threat to the life, health or safety of a person.

The safeguards also include a requirement that any confidential or commercially sensitive information is dealt with in a way that complies with any contractual or equitable obligations of the data provider concerning how it is to be dealt with.

Regarding the custody and control of the data, the safeguards require any legal requirements concerning the data, such as requirements under the *Freedom of Information Act 1991* or the *State Records Act 1997*, to continue to be applied to the way the data is maintained and managed.

If a data recipient arranges for a person or body other than another government sector agency to conduct data analytics work using public sector data with which it has been provided, the data recipient is to ensure that appropriate contractual arrangements are in place before the data is provided to ensure that the person or body deals with the data in compliance with the new legislation and any requirements of the *State Records Act 1998* and any data security policies that are applicable to the data recipient.

In addition to the explicit safeguards in the Bill, the principles of ethical behaviour and professional integrity found in the *Public Sector Act 2009* and the professional conduct standards in the *Code of Ethics for the South Australian Public Sector* will apply and require public sector employees to maintain the integrity and security of official information and only access, use and disclose information where authorised. Any employee who contravenes or fails to comply with these professional conduct standards may be liable to disciplinary action.

This legislation is about overcoming the artificial walls that exist around government departments. It is about creating the authorising environment for agencies to make the best use of their data assets and collaborate to improve the evidence base supporting policy development and the services we deliver.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides the short title.

2—Commencement

This clause provides for commencement to be fixed by proclamation.

3—Interpretation

This clause provides definitions for the purposes of the measure. *Public sector agency* has the same meaning as in the *Public Sector Act 2009*, however this may be modified by the regulations to include or exclude specified persons or bodies. *Public sector data* means any data that a public sector agency controls and there is provision for *exempt public sector data* being public sector data, or public sector data of a kind, prescribed by the regulations and public sector data held by a prescribed public sector agency.

Part 2—Objects and interaction with other Acts

4—Objects

This clause sets out the object of the measure, being to promote the management and use of public sector data as a public resource that supports good Government policy making, program management and service planning and delivery, to remove barriers that impede the sharing of public sector data between public sector agencies and to facilitate the expeditious sharing of public sector data between public sector agencies. The objects further specify protections provided in relation to public sector data sharing under the measure.

5—Interaction with other Acts

This clause provides that the provision of public sector data by a public sector agency to another public sector agency as authorised under the measure for a specified purpose is lawful for the purposes of any other Act or law that would otherwise operate to prohibit that provision. The clause states that the measure does not permit or require a data recipient to use or disclose public sector data received under the measure for another purpose outside the authorisation or to deal with any public sector data otherwise than in compliance with the *State Records Act 1997* where that Act applies to the public sector data.

This clause provides that a person does not have a right to access a document under the *Freedom of Information Act 1991* from a data recipient and a data recipient must not give access to a document under that Act if the document was provided under the measure. A data recipient must refer an application under the *Freedom of Information Act 1991* for such a document to the data provider who will deal with the application in accordance with that Act.

This clause also provides that the measure is not intended to prevent or discourage the sharing of public sector data by public sector agencies if it is proper and reasonable to do so or if it is permitted or required by or under any other Act or law.

Part 3—Facilitating public sector data sharing

6—Trusted access principles

This clause sets out the trusted access principles to be applied in respect of the sharing and use of public sector data under the measure. The trusted access principles are divided into groups as follows:

(a) safe projects;

(b) safe people;

(c) safe data;

(d) safe settings;

(e) safe outputs;

(f) other trusted access principles as may be prescribed by the regulations.

7—Public sector data sharing authorisation

This clause provides that a public sector agency is authorised to provide public sector data, other than exempt public sector data, that it controls to other public sector agencies for any of the following purposes:

(a) to enable data analytics work to be carried out on the data to identify issues and solutions regarding Government policy making, program management and service planning and delivery by public sector agencies;

(b) to enable public sector agencies to facilitate, develop, improve and undertake Government policy making, program management and service planning and delivery by the agencies;

(c) such other purposes as may be prescribed by the regulations.

The clause requires that a public sector agency must, before providing public sector data to another public sector agency under this section, apply the trusted access principles and be satisfied that the sharing and use of the data is appropriate in all the circumstances. The clause also requires that a data provider and a data recipient must comply with all relevant data sharing safeguards.

8—Data sharing on direction by Minister

This clause provides that the Minister may direct a public sector agency to provide public sector data that it controls, including exempt public sector data, to another public sector agency for any of the purposes referred to in

clause 7(1). The Minister must, before making a direction under this clause, apply the trusted access principles and be satisfied that the sharing and use of public sector data is appropriate in all the circumstances.

Part 4—Data sharing safeguards

9—Confidentiality and commercial-in-confidence

This clause requires a data recipient to ensure that confidential or commercially sensitive information provided to it under the measure is dealt with in a way that complies with any contractual or equitable obligations of the data provider concerning how it is to be dealt with.

10—Data custody and control safeguards

This clause provides that a data provider and data recipient must ensure that public sector data is maintained and managed in compliance with any legal requirements concerning its custody and control (including, for example, requirements under the *State Records Act 1997*) that are applicable to them.

11—Other data sharing safeguards

This clause provides for data sharing safeguards to be prescribed by the regulations.

Part 5—Miscellaneous

12—Restriction on further use and disclosure of public sector data

This clause provides that a data recipient must not use or disclose public sector data received pursuant to an authorisation under section 7 or section 8 other than for a purpose for which it was provided unless—

(a) the Minister approves the use or disclosure; or

(b) the use or disclosure is required or authorised by or under law or an order of a court or tribunal; or

(c) the use or disclosure is reasonably required to lessen or prevent a serious threat to the life, health or safety of a person, or a serious threat to public health or safety; or

(d) the use or disclosure is in accordance with the regulations.

13—Delegation by Minister

This clause provides that the Minister may delegate any of the Minister's functions or powers under this Act.

14—Personal liability

This clause provides that a person acting honestly and in the exercise or purported exercise of functions in administration of this Act incurs no civil or criminal liability in consequence of doing so. A civil action that would otherwise lie against a person lies instead against the Crown (except in the case of a member of a body corporate or the governing body of a body corporate or a person employed or appointed by, or a delegate of, a body corporate, in which case liability lies instead against the body corporate).

15—Regulations

This clause provides for regulations to be made by the Governor for the purposes of the measure.

Debate adjourned on motion of Ms Chapman.

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Introduction and First Reading

Mr PICTON (Kaurna) (10:49): On behalf of the Premier, obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

Second Reading

Mr PICTON (Kaurna) (10:49): I move:

That this bill be now read a second time.

In recent years, food trucks have brought a new element to South Australia's food culture and have allowed entrepreneurs to enter the hospitality market in an affordable and flexible setting. Mobile food vendors have brought creativity, opportunity and innovation to South Australia. They have generated interest in South Australia's food and produce, improved Adelaide's street life and enhanced our state's reputation as a tourist destination.

The government wants to ensure that food truck operators have the opportunity to start their businesses and reach consumers without first having to tackle an inconsistent and burdensome

regulatory environment. In order to achieve this outcome for mobile food vendors, we need to ensure that our laws keep pace with the changing approaches to running a food business.

Unfortunately, the permits and conditions imposed by councils under the Local Government Act 1999 have become overly complex and inconsistent. For example, some councils are only providing permits for certain types of businesses, such as ice-cream vending, or only issuing permits limited to a few defined foreshore zones, with some not allowing food truck businesses at all. Further, other councils were reducing the number of permits altogether.

In November last year, the state government decided to act upon the challenges for our mobile food vendors, releasing a discussion paper asking South Australians to have their say on how we can better encourage these growing businesses. A positive response was received to the paper, including support for the suggestions of a simpler regulatory environment, consistent permit arrangements across the state and providing greater certainty for those wanting to invest in a food truck business.

In May this year, the government responded to this feedback and released a position paper on food trucks in South Australia, and the introduction of this bill, the Local Government (Mobile Food Vendors) Amendment Bill, is the first step to implementing the measures included in that position paper. The key intention of this bill is to cut red tape and to provide a universal regulatory system for both new and existing operators. I seek leave to insert the remainder of the second reading explanation in *Hansard* without reading it.

Leave granted.

This Bill will amend the *Local Government Act 1999* to introduce regulation making powers to enable the Government to set out the key elements of council permits, and ensure consistent conditions on permitting, permit fees, operating hours and locations are not unduly restrictive on these businesses operating under this permit system.

Regulation should recognise what makes food trucks different – the ability to move around. This is a key element of the Government's approach to the regulation of food trucks. Regulation on food trucks should be consistent across council areas, but respect local differences. Without State Government regulation, this will not be the case.

The new regulations – which will be provided to Parliament in draft form in the next sittings to inform debate – will establish that councils will no longer be able to restrict:

- the number of permits that can be issued (no minimum or maximum);
- operating hours (outside special events); and
- the type of food that can be sold.

The regulations will also establish maximum annual permit fees, with the requirement to provide daily, monthly and pro rata rates to encourage flexibility, and require councils to establish location guidelines to specify where food trucks can trade.

The Government does recognise the need to allow councils the scope to accommodate the particular circumstances of their local area. As such, councils will continue to be able to set the locations for food truck trading in response to local needs.

We expect councils will take an approach to these guidelines that encourages trade and activity in their areas.

It is important to note that food trucks will still be required to comply with all relevant health and safety regulations—indeed as all food-based businesses—fixed or otherwise—must.

Councils will also be able to cancel a permit if a serious breach of permit conditions takes place – for example, if a food truck seeks to trade in an unsafe location outside of the location guidelines.

We want to see all food businesses thrive, no matter what form of trade they adopt. These measures are not intended to create undue competition with fixed premises. The aim is to help new and existing entrepreneurs and innovators try a different mode of trading that provides mobile delivery of food options across South Australia.

The evidence from the Adelaide City Council's own study showed very minimal impact upon existing fixed businesses from food trucks. In addition, some well-known operators have already transitioned between or employ both mobile and fixed trading as it has suited them in the market. This is a real demonstration of the role of the food truck industry as an entrepreneurial incubator.

This Bill is vital to creating a simple, consistent and encouraging environment for our mobile food vendors.

Current and prospective food truck entrepreneurs must be given the opportunity to further contribute to our State's economic growth and to promote South Australia's reputation as a premier food destination.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of section 4—Interpretation

A definition of *mobile food vending business* is inserted.

5—Amendment of section 222—Permits for business purposes

Section 222 is amended to require a council to grant a permit for a mobile food vending business (subject to the regulations).

6—Amendment of section 224—Conditions of authorisation or permit

Section 224 is amended to require a condition imposed by a council in relation to a permit for a mobile food vending business to be consistent with any requirement prescribed by the regulations.

7—Amendment of section 225—Cancellation of authorisation or permit

Section 225(1) is amended to limit a council's power to cancel a permit relating to a mobile food vending business for breach of a condition to situations where the breach is sufficiently serious to justify cancellation of the permit.

If a council cancels a permit relating to a mobile food vending business, the council can set a period (not exceeding 6 months) during which another application for such a permit cannot be made by or on behalf of the holder of the cancelled permit.

Schedule 1—Transitional provision

1—Transitional provision

Holders of existing mobile food vending business permits are entitled to surrender their permit and obtain a fresh permit issued under the new scheme for such permits proposed in the measure. Any annual fee or charge paid for the surrendered permit must be refunded on a *pro rata* basis.

Debate adjourned on motion of Mr Pederick.

APPROPRIATION BILL 2016

Estimates Committees

Ms BEDFORD (Florey) (10:53): I bring up the report of Estimates Committee A and move:

That the report be received.

Motion carried.

Ms BEDFORD: I bring up the minutes of proceedings of Estimates Committee A and move:

That the minutes of proceedings be incorporated in the Votes and Proceedings.

Motion carried.

Mr ODENWALDER (Little Para) (10:54): I bring up the report of Estimates Committee B and move:

That the report be received.

Motion carried.

Mr ODENWALDER: I bring up the minutes of proceedings of Estimates Committee B and move:

That the minutes of proceedings be incorporated in the Votes and Proceedings.

Motion carried.

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (10:55): I move:

That the proposed expenditures referred to Estimates Committees A and B be agreed to.

Mr PEDERICK (Hammond) (10:55): I advise the house that I am not the lead speaker in regard to the estimates reply. I will say in my lead-in comments that I did appreciate the work of both chairs of these committees, the members for Florey and Little Para, who sometimes had to put up with interjections and frustration, but I think they did the job good service considering what was going on. I guess the disappointing thing—

An honourable member interjecting:

Mr PEDERICK: It is not all praise, I am sorry—with estimates is the need for some ministers to give long opening statements and then to have what are commonly known as Dorothy Dixers or government questions, if you talk to government members, and it takes up valuable investigation time. I commend the ministers who just took pretty well all opposition questions; I commend them for having the guts to do that.

I want to start in regard to forestry and PIRSA estimates. This was an issue where the Minister for Agriculture thought he needed to give a 20-minute opening statement in the agriculture sector and a 10-minute opening statement in forestry, which only had a 30-minute time frame, and it does create angst. I note that during the discussion and in the opening statement the minister talked about South Australia's fruit fly free status. However, the government has failed to support my motion to establish Mypolonga as a fruit fly exclusion zone.

I think it is very important to either have Mypolonga as its own exclusion zone, which may be the better way procedurally and bureaucratically, or attach it to the Riverland. I know the amount of fruit grown south of Bowhill is certainly a lot less than is grown in the Riverland, but I think it is vital to make sure we protect our vital producers and our markets. The government should have another look at what they can do in the area south of Bowhill towards Murray Bridge.

What I am disappointed about in the agriculture estimates and in the budget is the $1 million annual funding taken away from the Australian Centre for Plant Functional Genomics. I asked the minister whether he met with Mr David Mitchell, who is the chief executive officer of the Australian Centre for Plant Functional Genomics, and he advised me he had not, yet he decided that he would cut that $1 million annually. This is at a time when agriculture is really showing its force as a function of the state and a very vital function of the economy.

I believe agriculture has always been the economic base, yet here we have the Centre for Plant Functional Genomics and breeding being denied money to do their valuable work and I think that may come back to bite us. The minister made the point in estimates that we are doing work that helps the whole of Australia. So what? We used to do work in Libya and Middle Eastern countries, going over there with our government advisers and John Shearer equipment showing them how to farm. We were showing the world, but it seems we cannot be world leaders any more, let alone national leaders.

It is noted that $100 million is coming out of the budget of Primary Industries this year and $81 million of that, I believe, is the South Australian River Murray Sustainability Program Funding, and the rest comes out of other regional grants. It is disappointing that this money is not being replaced by other moneys that could be sought by the state government from the commonwealth for other projects that are vitally needed throughout this state to promote agriculture. Agriculture generates over $20 billion annually into our state's coffers, and so it needs more support.

Certainly, the Clipsal 500 grandstand has raised some interest. I think what has happened is disgraceful. It appears that the government realised there were some issues with some of the contracting, and many companies have been left out of pocket by Victorian company Elite falling over and people not being paid. I have seen some interesting comments about this on some online media commentary feedback, and people saying, 'This will get it out to Tailem Bend.' Yes, there is hope to have a second Clipsal at Tailem Bend by late next year, but I would still like to see two events, one in Adelaide and one at Tailem Bend into the future.

This is a huge problem for the government. Apart from giving a long-term contract to a company that has almost immediately fallen over, we find many people well out of pocket by hundreds of thousands of dollars, which they will take years to recoup. You have to question what the government is going to do for these people. Clipsal is a great event and these stands are absolutely vital to the running of that event, yet we do not seem to have any idea about in which direction we are going.

In regard to New Zealand fur seals, I want to reflect on what minister Hunter said on 10 February 2016 when he was asked a question about the diet of seals and the effect that this has on the ecology, because they consume over 400 tonne a day. There are 100,000 fur seals living along the coast of South Australia and also in the Coorong and Lakes. The minister indicated from his answer that:

> The best available evidence shows that the increase in seal numbers in the Coorong and Lower Lakes area has not resulted in any broadscale negative ecological impacts to the area…most of the fur seals' diet in the ocean is made up of redbait and lantern fish, which are small bait fish that have no commercial fishery in South Australia.

In estimates when minister Bignell was asked whether this 400 tonne figure of fish being taken by New Zealand fur seals had been taken into account through the recreational fishing management plan, Professor Mehdi Doroudi provided a somewhat interesting answer which stated:

> There is no specific study right now that has taken into account how many fish are taken by seals. As a general point, when SARDI does its stock assessment work and scientific work it is based on the availability and abundance of a species.

Minister Hunter was questioned about the impact seals are having on Ngarrindjeri totems and other native birdlife. I asked a question on the appropriate budget line which talks about animal welfare in Budget Paper 4, Volume 2, page 156, Sub-program 1.3:

> I understand that sub-program 1.3 has been established to ensure the humane treatment of animals. Can the minister advise how this program is acknowledging and ensuring the humane treatment of the Ngarrindjeri's totems and other native bird life in the Coorong and Lakes, who are being pointlessly killed by the New Zealand fur seals?

The minister responded:

> I just need to correct the questioner. The New Zealand fur seals he refers to are now called long-nosed fur seals—

It obviously was not convenient to call them New Zealand fur seals—

> The New Zealand fur seals are long-nosed fur seals. They have been here for about 100,000 years, I am advised by our scientists. The Australian fur seals, on the other hand, seem to be an itinerant group of South African fur seals who have come in over the last 10,000 years. So, the long-nosed fur seals, or New Zealand fur seals, are the original seals, I am advised, going back that far.

Then I asked:

> And what are you doing about the pointless death of Ngarrindjeri totems and other native bird life along the Coorong and Lakes by these fur seals? That was the question.

The next part of the response was:

> My advice is that the agency has set up cameras and had volunteers monitor the pelican rookeries, for example, down in the Coorong. They have gone over 70 hours of filming time, checked it, and have seen absolutely no evidence of attacks on pelicans by long-nosed fur seals or any seals at all. So, we have gone to great lengths to monitor these colonies and to see if there are any interactions which need to be moderated, and my advice is there have been none that have been recorded on over 70 hours of monitoring from the CCTV recordings, or indeed seen by any of our staff, that I have been made aware of.

Then I asked:

> So, aside from the colonies and right across the length of the barrages, the Coorong and the Lakes, DEWNR staff would have to be the only people who have not sighted any dead musk ducks, fairy terns or pelicans—not one.

The minister's response was:

> My advice is this: yes, you may see corpses of animals around the place. They are not infrequent in nature, things do die, but there has been no evidence that we have been able to ascertain that they have been caused by anything other than feral animals—cats, dogs, foxes, for example. SARDI, apparently, has checked seal scats and has found absolutely no evidence in those seal scats of any seabirds or sea creatures in their diet other than the fish

that form a normal part of their diet. While you speculate, anecdotally, on seeing a corpse lying around, there is no evidence that I have available to me that the seals have been eating ducks or pelicans, and the scats checked through SARDI have confirmed that.

The minister continues:

Here you are speculating, on your great scientific background, about seals rampaging through these places killing all sorts of animals, and you are not even thinking that other species, like foxes, cats or feral dogs, could be taking any of these species and eating them and leaving corpses. You just have this one view that the seals are the things that are killing them, with no evidence whatsoever, Adrian. You have no evidence whatsoever, no scientific evidence at all, and you are maintaining this line of inquiry without even thinking that maybe something else is actually doing this. Maybe something else, like a fox; maybe something else, like a feral cat. Where is your scientific information about that? Whereas I can tell you that SARDI has told me that they have checked the scats of seals and there is no evidence of pelicans or ducks as part of their diet in those scats.

I responded:

Just like they do not find any evidence of little penguins which have been destroyed. Your department, from you down, has the Sergeant Schultz approach with regard to what impact these seals are having—

Then there was some comment about the points I was making, and I responded:

I don't care. If he can make a point, I am going to make a point. I have communities that see these effects—

Then I continued, stating:

This is the department that uses the Sergeant Schultz approach—

And if anyone does not know who Sergeant Schultz was, he was in *Hogan's Heroes*, a great program set in a World War II prison camp, and he knew nothing and saw nothing—

yet these communities and the Ngarrindjeri, whom I know the minister meets with, say these same things. Let him talk to the Ngarrindjeri and let him see when he gets round this approach whether they [DEWNR] just want to have their heads in the sand.

With regard to minister Bignell, I asked a similar question about the Ngarrindjeri totems and other bird life and his reply was:

We do not have responsibility to the pelicans…We just have the fish. We do not do the pelicans.

I want to comment about a comment from a senior member of DEWNR's staff in one of the dot points sent out to DEWNR people and members of the working group. This is still the classic DEWNR response. It stated:

There is no evidence that seals are altering the ecological character of the Coorong and Lower Lakes. The suggestion that seals are a clear and present danger to the birds and fish populations have not been backed up by what we are seeing. Sustainable management of the fishery and long-term business survival of any business that harvests natural resources is dependent on adapting business practices to environmental conditions. That is the focus of the current research—new crackers and new fishing gear.

I want to read a letter from Garry Hera-Singh. He is the Chair of the Southern Fisherman's Association, Lakes and Coorong Fishery. I quote:

Dear All

I support Tracy's [Tracy Hill] comments 100 per cent.

The difficulty with most people on the government payroll is understanding and appreciating NZ fur seal impacts in the lower lakes and Coorong region that the traditional owners said explicitly were never in the region in numbers like present. There is no evidence in their middens or dreamtime stories that go back 6,000 years. We (the fishing industry) see the devastation of NZ fur seal impacts DAILY. Whether the impacts are on native fauna or impacting on our fishing business, it is in OUR FACES EVERYDAY.

There is and has been a disturbing trend by DEWNR to continually 'down play' the impacts of [New Zealand] fur seals in the Coorong and Lakes over the last 12-18 months. Clearly this issue does not sit well in the current 'city centric' politics of the day!

The fishery (and community) is losing millions of dollars per annum because of the explosion in [New Zealand fur seal] numbers.

I would like to enlighten the author to some background information to their 'general info' dot points raised earlier.

This is reflecting on dot points from DEWNR. He continues:

Contrary to your belief that there has NOT been a subsidy or waiver of LICENCE FEES for the lakes and Coorong fishers, there has been a specific NET FEE relief but not licence fee relief! Eg. I am given almost an $8,000 per annum net fee relief but I still have to find $14,000 for licence fees in the 2016/17 [financial year]…you may argue a small price to pay for the privilege to supply consumers with a fresh and high quality seafood product that keeps a few locals in a job!

Secondly, there is an inference that the fishery has not done too badly with $460,000 subsidy. In the same period I estimate very conservatively the fishery has lost $8 million in the last two years.

Briefly, lost value adding opportunities ie. filleted, smoked, cryovak and MAP seafood packs and an array of marinated products, loss of niche markets, and a loss of market share to increasing imports. Yep, this so called 'smart country' just keeps exporting rural/regional jobs. Further evidence of down playing the [New Zealand fur seal] impacts in the [Lakes and Coorong] fishery is suggested by the windfall industry received from the Fisheries Research & Development Corporation (FRDC) of $260,000 to look at seal deterrence and other fishing methods. Let's get this issue clear, $50K from DEWNR, $50K from PIRSA and $150K from FRDC = $250K.

Just for your information, the Lakes and Coorong fishers have paid an annual levy into the FRDC research fund for more than 30 years. Last year the levy was just over $15K.

Enough said about our contribution from 36 fishers and their families.

It appears that the various seal counts are perceived to be an accurate reflection of what is actually within the Lakes and Coorong.

I will repeat what one 'seal expert' (and employed by govt.) said to me on a number of occasions, he said, 'generally what you count is only about 20 per cent what is in the region.' The more I see, the more I think this is so true!

Next time you see a number, just think there was 80 per cent that was NOT counted.

Yours Truly

Garry Hera-Singh,

Chair,

Southern Fisherman's Association

Lakes and Coorong Fishery

That shows the level of angst, and they would have relayed these concerns to DEWNR. When you have a minister that says that not one native bird has been attacked by a New Zealand fur seal or a long-nosed fur seal, whatever he wants to call them, I think that is a disgraceful comment to make because it is absolutely not true. Something needs to be done. Communities at Goolwa and Meningie are being severely affected by these seals, and the government needs to stick with the facts and not keep creating a fantasy.

In the closing time I have, other things I am concerned about include foster carers and the fact that it is something like 130 children who have to be housed in motel rooms. I am not surprised because some of the things that have come to me from foster carers and previous foster carers about allegations about their treatment—and a lot of the time these turn out to be false allegations. The treatment that foster carers get from staff is absolutely disgraceful. I know some people who have served for decades in this role, and they wish now they had never stepped down that path.

Families SA is falling apart as a department. With FOI requests, we just keep getting excuses about why we do not get them. We cannot get them out of the DECD side of things. I note they are still running two streams. It is an absolute disgrace and it has to be fixed so that we can get some foster carers, if that is at all possible.

Dr McFETRIDGE (Morphett) (11:15): This year's estimates were slightly more bearable because we did not have to put up with staged questions from the government, and that was a bonus. The downside was that from some ministers, particularly the more inexperienced or out-of-their-depth ministers, we had long opening statements. Occasionally, we saw the backbenchers come in as human shields to try to deflect and divert away from the questions during our time for questions.

One budget line that is often used by members of the opposition to question the ministers is the net cost of services; that is an omnibus-type budget line. Certainly, in the ageing portfolio, it is the only reference to that whole portfolio, that whole Office for the Ageing. If you do a word search,

it is one word in the financial summary, and then for the title of the Department for Health and Ageing there is no particular budget line about that.

I asked the minister about that and she said, 'Go and ask the Treasurer.' Well, I ask the Treasurer: next year can we have a budget line showing the budget and the FTEs for the Office for the Ageing? If you are going to have half an hour set aside for that very important area, let's have some specific spend so that we are not having to waste time in the committee asking questions about the FTEs and the budget line.

As it turns out, for the information of the house, the budget line for the Office for the Ageing is $3.78 million and there are 18 FTEs in that particular department. As we know with South Australia's ageing population, there is a need to make sure that we are well and truly looking after the ageing South Australians so that they are getting a fair deal. The Office for the Ageing does a lot of good work, and I congratulate the people in that office on the work they do.

The opportunity to use estimates is vital. People have been disparaging about estimates for many years now in the time I have been in here, and this is the 14th estimates session I have been through in this place. I have seen ministers come and go, and that is not because of the length of time that this state has been subjected to a hard Labor government. It is because there is a paucity of talent. People have been making mistakes and have not been performing, so the chairs have been rotated, the deck chairs on the *Titanic* have been moved over and over again.

The current Minister for Aboriginal Affairs and Reconciliation is the fifth one I have served with—and I say 'with' because it is one of those areas where we try to be bipartisan. The current minister is one of the better performers. He did his apprenticeship under the late Hon. Terry Roberts who I think was one of the best ministers I have worked with in that area.

The Minister for Emergency Services is the fifth minister I have worked under. He might have been a union heavyweight, but I was quite amazed at what a lightweight, what a featherweight, he was in here. He was out of his depth, he was not able to give the answers that I would expect from somebody in that very important position, and I was really amazed.

I think the members for Lee and Port Adelaide should thank me for exposing him as not being the new Right hope. I do not think this guy will ever be the Premier of this state. I know that there are Labor insiders who tell me he has been put in the upper house to test him out, and he has been given portfolios which are testing and there are always lots of issues with them. I do not believe that this guy has the mettle, the ticker, the backbone or the gonads to do the job.

The examples I will use are the MFS WorkCover and pay rises. This minister has come from being a union heavyweight to a ministerial lightweight. He came in here, and I asked him about backing up the MFS employees on the fact that they consider being locked into a 1.5 per cent pay rise to be unfair, particularly when the UFU secretary, Greg Northcott, was quoted in the media saying that, because the government's wages, taxes and levies are going up so dramatically, for them to be locked into a 1.5 per cent wage increase was very unfair, and they were being treated as second-class citizens who are second-class to employees.

I have to agree with Greg Northcott. I agree with him wholeheartedly, particularly when you see the police getting a different deal with WorkCover and wages, and the ambos getting different deals. What would minister Malinauskas say to the shoppies out there if he had one workplace and two or three workplace agreements? I know we have it in here with our superannuation and some other things. For one workplace, we have that, which I think is unfair and should have been sorted out. I think it is very unfair on the new members, and attracting quality in here is going to be difficult. Who did minister Malinauskas replace? That's right, Bernie—Big Bernie. We remember Bernie, don't we? He was a shoppies aficionado as well.

Anyway, how would minister Malinauskas treat that proposition from Woolies or Coles that, 'We are going to have one workplace but three or four workplace agreements in there, and you are superior, and you are the B team'? That is what he is insinuating about the MFS, that they are the B team. Let him go and tell Greg Northcott, Max Adlam and the others down at the UFU that he is not going to stand up in here and lobby on their behalf, because that is what he told me and that is what he told the committee.

He said that he is going to leave that for the Minister for Industrial Relations. Not good enough, minister. You are the minister who has that responsibility. Part of your responsibility is to make sure that those emergency services under your jurisdiction run as efficiently as possible and that the workers whom you are representing as their minister, in the same way as you did when you were in the union, are getting a fair deal.

It is not a fair deal. I will be more than happy, and this is what the UFU or the MFS firefighters want, to march down from Wakefield Street to the steps of Parliament House to demonstrate how unfair this deal is. I will be happy to walk arm in arm with them because it is unfair to have one workplace and three or four workplace agreements. We know the ambos, the firefighters and the police are the people who stick their necks out. It is the same workplace out there. They are putting their lives at risk. I know my father would come home from the job bandaged, burnt and beaten up because of the work he was doing in the Metropolitan Fire Service. I know what it was like. It was very stressful.

You cannot undervalue their effort, and I will be making sure that every MFS firefighter knows what this minister said in this place. The fact is he did not stand up for them, he is not going to go in and lobby for them on their behalf, and he is not going to give them the same rights, privileges and workplace payments that the police and ambos are getting. He is not going to do that so, to me, that is not the sort of person who is going to come in here, stamp his mark and say to the government, 'This is what we should be doing. This is right, this is fair, and I have the potential to be a leader.'

He does not have that. I did not see one glimpse of that in our estimates committee. At the end of it, he then came out with these little, bitsy, gratuitous comments about what I was saying in tweets and on Facebook. If he has any evidence that I have been in any way derogatory or disparaging about CFS or SES volunteers, put it up there, minister, because it is not true. It is just not true. Do not come in here and cast disparaging comments like that and think you are going to get away with it because you will not.

Anybody in this place knows my background. They know my background in the MFS and CFS, and the passion and pride that I have in all of our emergency service workers. I will be talking about the SES a bit more in a minute because we owe those men and women in the SES big time, particularly for the work they have been doing during the last storms and floods, along with the CFS, SES, SAPOL and the Ambulance Service—they are all in there—but, certainly, the SES have been at the forefront.

I will leave minister Malinauskas to his own devices. He can make replies in the other place if he wants to. All I know is that minister Close and minister Mullighan have no fear. Those two are the new leaders. I hope I am not giving them the kiss of death. They are the two I see with intelligence and credibility on that side over there. I do not see any others—I am not being offensive—at the moment. Let's move on to some of the more specific areas in the estimates committees.

I have always had a very good relationship with minister Bettison. I am not so sure she is terribly happy with me at the moment, though. I was doing my job as a shadow minister and inquiring into not the first, not the second, not the third, not the fourth, not the fifth, not the sixth, not the seventh, but the eighth audit into the concession system. It was started under the current Premier, minister Weatherill, as he was then, for communities and families. The Concession and Seniors Information Service (CASIS) started at $600,000 and blew out to $7 million after going through minister Piccolo, and the current minister, minister Bettison, was handed this poo sandwich as it was just starting to really smell.

She had the courage in some ways to pull the pin on this, but the problem was that South Australian taxpayers were out of pocket by $7 million—$7 million. That was CASIS. The Concessions and Rebate Tracking System (CART)—don't you love all these acronyms?—was supposed to make sure that CASIS (the Concession and Seniors Information Service) was going to work. CASIS was going to replace CART. Now we have COLIN, the Cost of Living Concession Information, a new software that has come in. The only problem we have with COLIN is that COLIN is growing. He is not a little boy anymore, he is growing into a delinquent teenager. COLIN started out at $2.2 million, and now we see that COLIN has had an extra $1.4 million added on—a growth spurt, a real growth spurt.

What we are seeing now is CASIS mark 2. We have to make sure that we keep an eye on this because I do not want South Australians to be subject to another CASIS mark 2. The need to make sure that the people who need concessions and deserve concessions in South Australia are getting those concessions is vital, not to have, as it was in the Auditor-General's Report, 4,350 dead people being paid concessions. Sure, the minister said in her responses to the estimates committee that some of these were able to be qualified, in that these were payments being made back to DCSI. Some of them were where the primary cardholder was not deceased but the concession holder had died, so there were some excuses there. Ninety-eight payments were made within the 13-week grace period, but that still left 852 payments being made to dead people.

To compound that, though, we also then had a number of other examples put out by the Auditor-General of where DCSI had no record whatsoever of the client. How can you pay money to somebody if you do not know who they are? Where did that money go? I did not get an answer in estimates. I think that was a bit over $1.5 million. I think it might even be a bit more than that, that was going to who knows what, to who knows where.

In disabilities, the unmet need was interesting. We have put a lot of money into disabilities with the NDIS coming in. It is a very exciting time, but what did we see? The unmet need really has not reduced at all, so we have a lot more work to do in that area. Disabilities is another area where I am more than happy to work in a bipartisan way and to give the federal government a touch-up if we need to on behalf of South Australians. I stood on the stage at Novita with the Premier and said that if you cannot be bipartisan about disabilities, what can you be bipartisan about? It is an area where I will certainly be more than happy to work with minister Vlahos.

I was interested to hear, though, that there are a lot of people—we do not know how many—who should be in the disabilities care sector, out of hospitals, who are in our public hospital taking up beds. After 25 days, they are charged for those beds. They charge a rent for those beds. It comes out of their disability support pension. That was information given by one of the health department bureaucrats. It is in the *Hansard*.

What percentage of their DSP is paid? I think it is 85 per cent of their DSP is charged in bed rent. I understand that mental health patients at James Nash are also charged a bed rent, 85 per cent of their pensions. The minister was not able to verify that. She was going to come back to the house. Lots of questions were taken on notice. The other thing I did notice this year was that lots of questions were taken on notice. To me, these are examples of ministers who are not across the board, not on top of their portfolios as well as they should be.

Another quick thing that I will mention in mental health is that there were some questions about restraint practices of juveniles. The minister was not able to answer that. Dr Groves, the Chief Psychiatrist, said that there should be reports coming back to the government on that, but he did not know how many young people had been subject to restrictive practices. I notice in the 30-page guidelines on restraint and seclusion in the Department for Health's files, mandatory requirement 14: 'All incidents of restraint or seclusion of mental health consumers are recorded on an auditable database and reported to the Chief Psychiatrist.' So I am surprised that we did not have a figure on the numbers of young people being restrained.

Aboriginal affairs and reconciliation is another area where I try to be bipartisan. It is an area where we see extraordinary amounts of money being spent in South Australia on our Aboriginal and Torres Strait Islanders. The amount of $1.9 billion is spent. It works out at a bit over $60,000 per man, woman and child. We do not see as much progress as we would like. It is a very difficult area, but when it comes to the Close the Gap reports, that says it all, particularly if you add in the areas that Close the Gap does not cover, and that is involvement in the justice system and the corrections system. Those are huge areas to respond to.

I will spend the last few minutes I have on emergency services. I thank the MFS, CFS and SES volunteers and paid staff for all they do. They have a huge responsibility. People do not care whether it is a red truck or a white truck, or a person wearing an orange, yellow or other coloured uniform: they just want help when they need it. What I am so frustrated about are the responses to major incidents, and in some cases just other straightforward incidents, by the emergency services, particularly the SES and CFS.

I want to know when a priority 1, which is normally lights and sirens, is a priority 1 and when a priority 2 is not a priority 2. As an example, the other day a tree was down near Macclesfield. The CFS responded priority 1, but the SES responded priority 2 to the same job. What I am seeing so many times is the SES responding as a priority 2 to a tree down across an 80 km/h road. In my opinion and from my experience of having been out to a number of these incidents with the CFS, it should be a priority 1 job.

There is a potential for a car crash or an incident. They are being given priority 2, which then allows them to stack up 27 jobs. There is delay after delay in some of these attendances at jobs. The other day, Strathalbyn SES went past Strathalbyn CFS, Macclesfield CFS, Meadows CFS and Kangarilla CFS to cut up a little tree, a six-inch or 150-millimetre diameter tree, on Cut Hill Road at Kangarilla. It is a dangerous road, so it should have been dealt with straightaway as a priority 1.

I know that road well because we lived there. My veterinary practice was there. It is an 80 km/h road down a very steep hill. Kangarilla CFS is a matter of two minutes away, but the Strathalbyn SES, those overworked and undervalued SES volunteers—undervalued by this government, certainly not by the opposition and the South Australian public—were forced to get out of their beds, leave their families, leave their workplaces and attend to this job. It is completely unnecessary, and to be quite blunt, I do not think the SES management gets it. They seem to be in a state of denial over the fact that this is not about them, this is not about their jobs, this is not about protecting their patch and stacking up the numbers so they can have *The Advertiser* say the SES attended 2,000 jobs.

Credit where credit is due, but let's give these SES volunteers, these hardworking volunteers, some appreciation. Let them stay with their families, let them stay at work, let them stay in their beds when they do not have to get out of bed. There are so many examples. If the SES senior management, including the chief officer, do not do something about it, I will be saying a lot more and having public meetings because you cannot keep treating not only volunteers but also the people of South Australia like this.

They want the service when they want it. They do not want to have to wait an hour with a TV crew waiting for the first emergency services to wake up, and I can give a number of examples of that. I have spoken to the people. It is a ridiculous situation. I will not tolerate it, I do not expect volunteers to tolerate it and I certainly do not expect the public of South Australia to tolerate it.

Mr PENGILLY (Finniss) (11:35): I had the pleasure of attending Tuesday's estimates, which I will return to shortly. I have been following with interest the *Hansard* and the public statements and media over what has occurred during estimates at the time when I was not there and my colleagues on both sides were in attendance. It starts to sound like a bad recording, but again I say that I really seriously question why we inflict on the Public Service and various others the tedium and angst involved in estimates for very few answers, quite frankly.

I can see no point in tying up everybody—the Parliament House staff and everybody who is involved—for the senseless purpose of sitting in the house when in some cases you just get ridiculous performances from ministers, some of whom appear to have absolutely no idea about their brief and just do not want to answer. It was interesting—

Members interjecting:

The DEPUTY SPEAKER: Do you need some protection, member for Finniss?

Mr PENGILLY: I need protection, ma'am, yes.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Finniss is seeking the protection of the Chair, which he is entitled to.

Mr PENGILLY: Thank you, ma'am, I am sure I could have battled on. I guess this is this disappointing part. My preference would be to have estimates similar to those in the federal parliament, where it is open slather for everybody and they all have to provide evidence instead of—

An honourable member: Hear, hear!

Mr PENGILLY: 'Hear, hear,' I hear from the other side. I think it is much more worthwhile for the democratic process, whether you are in government or opposition. We all need to have the correct answers. We need to know what is going on, but there seems to be this attitude within our estimates, and in the 10 years that I have been going to estimates it has not improved at all—

The DEPUTY SPEAKER: Only 10? It has seemed longer.

Mr PENGILLY: Well, I might make it longer, ma'am. It will be at least 12, let me say that. There has been no mood to change. I realise that this year in most estimates hearings government members did not ask Dorothy Dixers, but in the ones I went to I was exposed to tedious ministerial statements from the member for Waite. I decided to just let it go, but it was disappointing. There are some matters in this state to which people really need answers. There are some terrible things going on out there for some residents of this state.

One of the interesting issues I would like to give a little bit of time to is energy, and I have had some conversations on this over the last two or three weeks. There has been much concern in my electorate over the price of electricity, the failure of the system and the fact that our power prices here have been through the roof. We are really wearing the impact of what was put in place by former premier Rann and his apparatchik with the wind towers.

We are being left in a serious predicament. We have had the closure of the cheapest power base load station in the state in Port Augusta, with the subsequent loss of jobs. We have Port Pirie and Whyalla both struggling for power—whether it be Nyrstar or Arrium—back here a week or two ago. With what is going on with the nuclear debate and the nuclear royal commission, I am seriously wondering, madam Deputy Speaker, whether indeed the Premier and the government are actually trying to put a good argument for nuclear power to be put in place in South Australia. Is that the end result? I ask that question because we are struggling now that the other interconnector is going.

I am a nuclear power advocate. I will leave you in no doubt about that. I realise that it could be decades away in Australia. It is expensive. Imagine a nuclear power plant in South Australia, with the enormous amounts of electricity it could produce—and I never heard any of this from the minister for energy, I might add. But with the power it could produce it could be hooked into the desalination plant, which is sitting dormant, and power that. You could actually supply the metropolitan and other areas with water from that desalination plant, not take any water out of the River Murray, and actually have that water going to irrigation and food production.

I do not think we are thinking outside the square enough here. I am going to be interested in the future and to see what happens. I hope I live long enough to see a nuclear power plant in South Australia. On top of that, dependent on the size of the plant, we could actually be sending power interstate, not relying on interstate to supply our power when we do not have enough. We are now in this position in South Australia where we are down to basic needs on power: Torrens Island, Pelican Point, and gas, etc., but we have lost that wonderful facility at Port Augusta. That will not be coming back.

Renewable energy is fine. I do not have a problem with renewable energy, but when the wind stops blowing, you do not have wind power; when the sun is not shining, you do not have solar power. We have solar hot water for example. I am fine with that. I do think, as a parliament, we should be discussing these options and where we are going. The nuclear royal commission is one thing. You never set up a nuclear royal commission, or any other royal commission for that matter, unless you know what answer you want out of it. Moving on from that, just a little bit of discussion about where Health is going in South Australia—it is chaotic, there is no question about that.

It is clear that the minister is well outside his capacity of understanding just what goes on out there. Regrettably, I think the current minister—he is a very decent bloke, I know that—is completely snowed under, or snowed over, by the bureaucrats in Health and he cannot see the wood for the trees. The cases that are arising on an almost daily occurrence with what has gone on with various individuals or what is going on with units or what is happening at the new RAH, are terrible. It cannot go on. It is saturating the media. It is an absolute debacle for the government. You can nod your heads and disagree or agree—not that any of you are nodding. The fact of the matter is that out there in voter land the health sector is seen as being in crisis in South Australia and we are getting no answers.

The minister can come in here and puff and blow and jump up and down and go red in the face and abuse the opposition if he wishes, but the reality is that there are things going on out there that should not be happening, and our health system in South Australia has deteriorated. Despite the best efforts of those professionals who are involved, and the hard work they do, and the long hours they put in, it is going backwards. It is simply not good enough.

I give you the example of the two health units that I have in my own electorate at Victor Harbor and on Kangaroo Island, where local doctors, to all intents and purposes, are not all that welcome in the hospitals these days. They do a bit of locum work from time to time in both places. The great design to put registrar doctors, government-paid doctors, into the South Coast District Hospital has been something of a failure, to say the least. I do not know where this is going to end up, I really do not.

We had the case of one gentleman who had one testicle removed because of misadventure in the health system. Strangely and bizarrely as it seems, I had another instance in my own electorate of exactly the same thing happening. I will not name anyone or say where it occurred, for the sake of the individual, but it happened just recently. One has been brought to the attention of the media and the public, but I do have another one, almost the same. I will be discussing that issue with the family.

I am not sure when the government, the Minister for Education and Children's Services, the Premier or whoever will stop blaming the federal government for everything. I am not quite sure when that is going to happen—it is getting a bit boring and a bit repetitive and is wearing thin out in the wider voter land. Whether or not you like it, the Coalition government has been returned federally—and I will not make any comment on the rather strange outcome of that election—but the fact of the matter is that you have to stop whinging about things that happened years ago and get on with it.

You have to stop wanting the federal government to pay for everything in South Australia. The reason you have no money in government is because you spent too damn much—you have wasted it. You do not seem to understand this: you have to have people making money, and the economy needs to be buoyant, instead of our having the highest unemployment in Australia. You have to stop criticising, bitching and whinging about the federal government and get on with doing the job you have been elected to do.

There seems to be a complete lack of leadership within the current state government. My view is that there are some internal fights going on, which have been well hidden, I might add, but there is no question that it is in a mess internally, and that is coming to the fore and eventually will unload one way or another. I image there are plenty of members on the government side who would be keen to see the back of the current Premier, but who will they put in there?

An honourable member interjecting:

Mr PENGILLY: Well, I know you are a lover of the current Premier. The member for Morphett made some points a while ago in his speech about where things are going and future leadership of the government—that is not our worry. The Labor Party can mess around and have their fights and get on with it, but from our perspective I think the state is crying out for leadership. We are just not getting it.

The Treasurer seems to be completely out of his depth, the health minister is failing dismally, and the Minister for Tourism has allowed this debacle to take place at Victoria Park, with people not getting paid. People cannot afford their power bills, they cannot afford their water bills, they have been hit with increases in the emergency services levy, and the NRM levies have gone up. What is this mob doing? Sitting back and just watching it! Once again, I do not know what takes place in their party room meetings—I would not have a clue—but if I were a member over there I would be getting stuck into them pretty rapidly.

I attended the other day the hearing with the member for Waite in his various capacities. The member for Waite seemed to think that the best thing to do was tell the opposition how to go about its business. I seem to remember that when he was leader he got himself into a certain amount of bother with some dodgy documents, and I well remember the day. I do not think it behoves him, and the Speaker of the house pulls up ministers from time to time or takes points of order on the

government, the ministers or whoever, to tell the opposition how to go about their business. I think it is futile.

I am a great defender of the defence industry, our armed forces and everything that goes with it. I am very proud that the submarine contract has been won by South Australia. I do not give any credit whatsoever to the minister. This matter has been rolling around and we do not know the machinations which take place within the federal government and cabinet. You can bet your bottom dollar that they will not be telling the member for Waite anything about it. He is persona non grata over there and he needs to get over that and move on.

The federal member for Sturt made it quite clear on the radio the other day that he will deal with the Premier and the Treasurer, as is appropriate, but he simply does not trust the member for Waite. I am not sure that anybody actually trusts the member for Waite, whether from within the government, the opposition or anywhere else. I was quite amused when some wag said to me the other day that he was seen handing out how-to-vote cards for Rebekha Sharkie on election day. I said, 'Oh, yes, what did you think of that?' and they said, 'Well, quite frankly, if he had not been there she would have won by more.' I found that to be quite a good analogy. He will go about and do what he does. He has an ego the size of this building and he has to live with that.

I sat there quietly during the day and I listened. Clearly, his bureaucrats and staff had put together some quite good answers to some of the questions on the defence industry. I look forward to a project coming to the Public Works Committee in relation to Techport. I am a great supporter of Techport. It is no good going on, whinging, wanting the feds to do that as well, and wanting the money. We are the state of South Australia. We need to get on with doing what we do, not wait for the feds to fund everything. That is not what it is about. We have pretty much always done our own thing in the past, and we get the GST revenue.

In closing, I again express my disappointment in the estimates process, including the work involved, the time involved and the astronomical expense, when a lot of the time it is just a complete waste of time. I am hoping that one of my colleagues will be ready to get to their feet.

Mr KNOLL (Schubert) (11:52): I ride to the rescue of the member for Finniss. I am a lover of the estimates process. Last year, I was fortunate enough—

The DEPUTY SPEAKER: A bit like Eurovision.

Mr KNOLL: I am actually not a fan of Eurovision; it is my parents that are fans of Eurovision. The sins of the parents should not be visited upon the son.

The DEPUTY SPEAKER: But there are similarities.

Mr KNOLL: Having said that, I think Eurovision is a great contest that helps non-Europeans to understand the geopolitical issues that go on in Europe. It is very interesting. I am a fan of estimates, and last year I was fortunate enough, for the Liberal side, to be the MP who sat on most of the estimates committees. This year, together with my colleague the member for Davenport we are estimates junkies. If the member for Flinders had not requested to be on one of the committees, the member for Davenport and I would have been equal in getting to all the estimates committees between the two of us.

I was wandering outside yesterday and I could tell that some people were getting a bit frustrated with the fifth day of estimates—some people in this room, potentially. One of the reporters outside, who had been here all week and was also getting frustrated, asked, 'Mate, are you coping through estimates?' I said, 'Well, I don't know where you have been, but estimates is like my Woodstock: you roll around in the mud for a few days on end, but I think getting out there to listen to the music is a fantastic thing.' This year, estimates did not disappoint. The beautiful thing about estimates instead of Woodstock is the fact that it comes around every year.

Can I say, from that perspective, that I have had a great lot of fun. The reason that I find it so interesting is that if you care about leading a government into the future, and if you care about having a strong position within a government in the future, then understanding what it is the government actually does is quite an important thing. As much as we do not get as many answers

as we would like—and I will get to that in a minute—there are still some very interesting things to learn.

What I propose to do today is just go through each of the estimates and understand some of the things that we have learned and also some of the styles with which different ministers have approached the estimates process. There are varying degrees, and potentially I might stumble upon saying something nice about one or two of the ministers and for that I apologise to my colleagues in advance. First off, on Thursday morning we had the Premier in, who was confident enough in his position that he did not need to have Dixers from the government side but did indeed make an opening statement talking about some vague notions of representative democracy. Something I find quite interesting is that he does not want to countenance ensuring that a majority of people who vote for a political party in an election can form government. That is not necessarily democracy, except that we have compulsory voting and everyone has to vote.

Moving to these citizens' juries seems like a reasonable way to go about things, and on the face of it I can see some merit in that. What I find quite interesting is that he places faith in these citizens' juries and then ignores them. If I look specifically at the case of the citizens' jury into the South-East drainage system, there was almost universal understanding of what needed to happen as an outcome of that citizens' jury. The government proceeded to ignore it and go exactly in the opposite direction. However, I do not want to let the rhetoric get in the way of the truth.

The Premier did contort himself, in my view, trying to weave this intricate balance on jobs, trying to defend this budget as a jobs budget, whilst at the same time suggesting that standing still was going to be a win, in which case: where are the jobs? It was really quite an interesting contortion he was going through and, if he were not busy being Premier of this state, potentially he should join our gymnastics team at the Rio Olympics, such was his ability to contort.

We move on then to the Treasurer later that morning, a man confident enough in his position not to have Dixers, except for one or two I recall, and certainly not much in the way of an opening statement. He was a man who was ready to take on that which came before him. The Treasurer has a style, and the style is to bluff and bluster and puff out his chest. That is fine, that is his prerogative, but as soon as he is challenged with a question that gets a bit difficult and potentially beyond his understanding he resorts to personal attacks. Instead of answering the question, he goes directly at the person asking the question, and in seeking to do so I think he was trying to raise the ire of the Chair of that committee in order to intervene to hopefully not only break up the proceedings but also to potentially limit the ability of the opposition to ask questions in the act of doing it.

Again, I think the member for West Torrens could join the Premier in our Olympic team in Rio when he was trying to suggest that the Public Service would not have to take a real wage cut, whilst at the same time telling them that people in the private sector have had to take a real wage cut so therefore they should expect the same. That hypocrisy, when it is compared question after question in the same estimates committee, I think is quite interesting. The figure I do not think he could get away from was that in 2019-20, the outlying year of the forward estimates, the government is predicting a 0.7 per cent drop in real wages. He attempted to explain it away with, 'Yes, that's because there are cuts in Public Service numbers and because of a whole heap of other factors.'

But the truth is that in the 2019-20 year the government, according to their own estimates, is looking to cut the number of jobs, and the point is that you cannot have it both ways. To suggest that it is in relation to a differential in job numbers does not work out when, out of the 80,000-odd public servants, you have only a 150-person move, which is a miniscule percentage of movement, whilst at the same time showing in the same budget for the same year a 0.7 per cent real wage reduction. I think the government is going to have great difficulty selling this to the Public Service.

Another thing we note from a subsequent estimates committee is that it is SASMOA (the salaried doctors), it is the firefighters and it is admin staff within the Public Service Association who are going to be the next three cabs off the rank in terms of negotiating their EBAs. I think they are going to be wishing that they had started negotiations that touch earlier so that they would be exempt from this 1.5 per cent cap. Having said that, the government has made it very clear that they are going to preference quantity over quality, that instead of potentially trying to get a more productive Public Service they are going to keep as many jobs there and just pay everybody who is there smaller increases.

We then move on to the Attorney-General in the afternoon, and that was quite exciting. Again, it is not a topic that anybody else is going to care about in industrial relations, but it is one, in my view, where he was actually trying to get to the heart of the answer. It was quite an open, free-ranging discussion, and I do genuinely think that he tackled this in the right spirit. You can tell that because he allowed his staff sitting with him to answer, as opposed to trying to filter all the answers that came through.

The interesting thing out of the Attorney-General's questioning was, number one, that we can expect an increase to the unfunded liability this year. The government trumpeted last year this over a billion dollar reduction in the unfunded liability for the return-to-work scheme. It was a causal effect of the good work that the government, together with the opposition, had done in amending the return-to-work scheme. But, unfortunately, we are going to see some serious back-tracking of at least $250 million from that.

That potentially puts at risk the supposed $180 million worth of savings the business community has received as a result of these changes. It is interesting that, one year after the scheme was introduced, this much-lauded figure, which I know the member for Waite and others on the front bench laud as their great gift to the business community in South Australia, is potentially going to be wound back. So, we await September with interest.

It is also interesting that the Attorney, when asked about whether or not Mr Aaron Cartledge of the CFMEU might be relieved of some of his government positions, given the fact that he has been convicted multiple times of offences on construction sites across South Australia. He said, 'I am waiting on the legal advice.' Given that this was first brought to the attention of the minister early last year, in April, when Mr Cartledge was convicted of offences on a building site on Flinders Street, one wonders how long it takes to get this legal advice, but we wait in hope.

We then move on to the transport minister, and he rates in my top three of being the most frustrating. Again, there were no Dixers and no opening statement—

Mr Odenwalder: Who was that?

Mr KNOLL: The transport minister—but he is one who is happy to welcome the questions and then happily does not go anywhere near any answers. I think the minister has learnt at the feet of the Attorney-General in that, in the words of the Chair of the Legislative Council estimates committee (Estimates Committee B), the answers needed to be contextualised.

The opposition is not stupid. We have done our homework and we understand quite a lot about the way government operates, but what we are seeking to do is get very specific information—figures, most of the time, or dates—to help us with our understanding of where government is at, in this instance, on certain projects. The ability of the minister to sit there and take five to 10 minutes to work every which way around a question without actually getting to the heart of the question is certainly a skill, and I do not deny him that skill. I think the minister thinks he is quite smart in doing it, except that it is not the opposition he is thwarting: it is the people of South Australia. It is not our money.

I pay tax and, through my GST, that flows back through to state taxation. I have bought and sold a couple of houses in my time, and the government has had the benefit of my stamp duty, but apart from that it is the people of South Australia who really want these answers. We need to understand ourselves being here as conduits: the ministers on behalf of the government and the opposition on behalf of the people of South Australia. It is the South Australian people who are missing out on these answers, rather than a minister thinking he is really smart in thwarting the opposition in trying to extract information.

Number one on my frustration list this year, if the transport minister comes in third, is the Hon. Ian Hunter in the other place. He is singularly frustrating in his lack of understanding of his portfolio, his lack of willingness to even go anywhere near answers and his wont to limit his exposure to estimates in every way possible. He had long opening statements. He took a consistent series of government questions and failed to go through to the specifics of questions he was asked.

The best example I have seen for a long time of something that governments of all persuasions need to understand is the increase in the solid waste levy. It is $64 million over the

forward estimates, but it will be $20 million in the out years and it looks like it will be $20 million a year on an ongoing basis. One of the things the minister lauds is that it is going to create 350 new jobs. That sounds really good except that, when you divide $20 million by 350, that is a huge cost for those 350 jobs.

They did modelling to understand how many jobs would be created and that is fine, but that money did not just appear out of thin air. That money will come from the construction industry, which is a large user of landfill. It will come from every householder who has a spring-clean and takes things down to the dump. That money will directly come out of the pockets of businesses and households in South Australia.

The question I was asking—and we tried to ask this question of the Treasurer and minister Hunter—is: has any modelling been done to understand how many jobs are going to be lost as a result of this change, to balance out this 350? 'No, of course, we didn't go anywhere near there.' That, I think, goes to the heart of the lack of understanding the Labor government has about how an economy works, especially in South Australia.

When we take this money, it is not as if it was just sitting in somebody's bank account doing nothing. It is not like it is money that is magicked out of thin air that we could just pluck off the money tree. This comes from other areas. This money would have otherwise been spent. In the case of the construction industry, it would have been spent on growing or tendering for new projects or paying employees, and instead it now has to go to the government.

In the case of households, it would quite potentially be spent on groceries or paying utility bills or hospitality, but it would have been spent on consumption here in South Australia. The government likes to talk about the upside but has refused to countenance the downside. The reality is that, whenever the government takes money and tries to create jobs by taxing South Australians more, they do not understand that they are going to lose jobs on the other side of the equation.

We move on to the Minister for Agriculture, who comes in at number two on my list this year. Almost more than minister Hunter, he used the tools of estimates to thwart estimates. He had 15-minute opening statements for agriculture and almost the same for tourism. Luckily, forests was a lot shorter, but it became very apparent that he did not want to answer the questions as they stood. He did not feel comfortable with the questions as they stood, so he used government questions and opening statements, but he also used a huge amount of licence to contextualise—as the member for Little Para has been saying all week—his answers, without actually getting to the nub of the question. Again, the people of South Australia are all the poorer for it. I find that frustrating and disappointing.

To round it out, the last two yesterday were minister Maher and the Minister for Local Government. They provided two of the funniest moments from estimates week. Our deputy leader, who was asking a series of questions about BioSA and then gently asked, 'Minister, are you the minister responsible for BioSA?' At this point, Mr Maher had to turn around to his advisers and actually ask the question because he did not know himself. There were furious nods from all the public servants sitting at the table saying, 'Yes, minister, this one is in your bag.' It was a hilarious moment and I think speaks to minister Maher's ability to be across his brief.

Another thing I will say about minister Maher, and something the Minister for Local Government also put forward on the table, is around mobile blackspot funding. The government alternately tries to say, 'It's a federal government responsibility, but this time we are going to put money into it.' Okay, you have contradicted yourself there. When the evidence says that Tasmania only contributed $11,000 per tower versus $147,000 through to $190,000 for Queensland, Victoria and New South Wales, and where the average is about $150,000 co-contribution per tower, minister Maher sat there and said, 'We want more favourable terms than Tasmania'.

I think what he was trying to do was to use the facts selectively in his favour to: (1) once again be able to blame the federal government when we do not get as many towers as we need; and (2) hide away from the fact that this government has not put enough money into this contestable fund so that South Australian mobile blackspots across regional South Australia can be dealt with. In my last minute I would like to go to the last estimates session yesterday afternoon with the Minister for Local Government and Regional Development.

Mr Pengilly: Did he know he was that?

Mr KNOLL: The Minister for Local Government could not think for himself at one point. In fact, every single question, even regarding the minister's own opinion on things, had to be read out in statement as opposed to him being able to exercise his brain mass to come up with an independent answer. He provided the greatest highlight of the estimates where, on questioning from the member for Goyder, who said, 'Minister, have you had a briefing on potential boundary changes?', the minister had to turn and ask his adviser whether or not he had been briefed on the topic.

I am thinking, 'Does this man not understand where he is from time to time?' What is more frustrating is the fact that he is a minister of the Crown, one of the few people who are there to run our state, and he does not know where he is from day to day.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:12): Deputy Speaker, I firstly acknowledge your role in the estimates proceedings that we have recently undertaken and thank you for your contribution, together with the member for Little Para, whom I was able to have as chair in a number of meetings during the estimates being convened and who did a stellar job. I also thank those ministers who presented to estimates and the number of advisers and departmental staff who were down here to explain to us a number of aspects of the 2016 budget.

The government has announced through the Treasurer about an $18 billion budget. Slightly less than that is actually expended because, of course, net-wise there is some revenue generated by some of the agencies, so the actual appropriated funds are slightly less. However, as we know, the Treasurer had to raid the Motor Accident Commission and now sell off its insurance arm to be able to prop up this year's budget.

I do note that at present the State Administration Centre is also being sold, the land services division is under review and the TAFE sites are being transferred to Renewal SA. We are yet to see what is going to happen with those, depending on what the TAFE agency determines is surplus to requirements. Of course, we also have other entities under consideration for what aspects may be sold, so the government is continuing its fire sale. I mention that because we now have the infamous EPAS coupled with two other things, namely, the squirrelling away and accumulation of money in funds which they manage and which the Treasurer has control of, such as the Victims of Crime Fund.

By the 2019-20 financial year, the Victims of Crime Fund will have a net base of some $370 million together with the massive blowouts in their infrastructure, two of which have been highlighted and are now indelibly printed on the mind of South Australians, namely, the new Royal Adelaide Hospital, which has just plunged from disaster to disaster economically—and this is apart from the tragic loss of life of two of the workmen—and the now infamous EPAS, a system of patient records that has now blown out another $200 million above its budgeted amount.

It is almost incomprehensible to the average person in my electorate when they raise issues of the monetary spend of the government, or lack there of. It is hard for them to comprehend, firstly, why a proposal which they think is meritorious, or an initiative in the electorate which they think is hugely wanting, cannot be financed because of the massive amount of waste due to the government's ineptitude in managing major infrastructure. It is just criminal to them that the government could be so wasteful, so incompetent, so irresponsible with our finances that the opportunity to have the prospect of their projects being financed just disappears from the horizon.

It is important for us, when we pick through the budget via the estimates process, to be able to identify where there is a need and where we need to help the government understand and redress the deficiencies of their budgets in the allocation of resources. They are going to continue to struggle to provide for high need areas if they do not get their own house in order in managing what they have got, if they stop hiding away money in funds which are clearly designed to be held there until the year prior to the election so that they can have a big spend on initiatives they will announce.

This year, the Attorney-General's estimates just confirmed for me in a very short time that we will have no new superior court, that there will be no new judges and that there will be no new structural reform, as had been considered by the Attorney the previous year. He was going to squirrel away money into the Victims of Crime Fund, with no relief to those who are victims of crime by being able to have any more generous access to it. That was obviously a myriad of small initiatives the government has announced—more reports, more reviews.

Sadly, there was nothing of substance—not even something as simple as being able to offer a person who appears in SACAT, our new administrative tribunal, on a review of a guardianship to have legal representation on those occasions. I think that is disgusting, and I am very sad that it has not happened. The reason it has not happened is that the government expects that over the next few years the Legal Services Commission will have to cut its budget. It is getting $4 million less over the next four years, rather than our having any extra initiative to ensure that we have legal representation for civil matters in the guardianship world, many of whom obviously will severely struggle to represent themselves. I am very disappointed about that.

In terms of urban development, the Minister for Transport is now the Minister for Urban Development—he has taken over. He continued form from his previous attendance at estimates in transport and infrastructure: he did not appear to know a lot and took an enormous amount on notice. Again, it just puzzles me that we have these hundreds of thousands of dollars a year, and personnel and executives sitting around—including Mr Deegan, who I think is one of our highest paid public servants in the state—right next to the minister, yet they do not appear to apply even a movement of the head to inquire as to the answer.

They preferred to take it on notice, and hopefully they will provide some response down the track. We will see what happens with the minister this year in that area. I note of course that even by the end of estimates the list of questions which I had resubmitted to the Attorney about a month before estimates, which he had not answered from the 2015 estimates committee, still have not been answered. So this is the contempt that some of the ministers have for the committee. They do not want to answer. If it is embarrassing, they take it on notice and we never see a response back and that is very concerning.

Can I move to youth justice, an area for which I have been asked to take shadow responsibility. This is an area which is a relatively small part of the entire Communities and Social Inclusion budget so minister Bettison is responsible for this, but it does run the facilities of our youth detention centres. The Northern Territory inquiry, announced consequential to the public release nationally of television footage of children in youth detention in the Northern Territory, is enough to send an electric rod through your spine, but the reality is, it has been confirmed this week that, yes, there are handcuffs used in our detention facilities; there are leg wraps, which are leg restraints, used in our facilities; and there are what are known as spit restraints, namely a hood like a piece of material which is placed over the youth.

As has been explained, these are rarely used, although we were advised these hoods were used in South Australian detention centres 31 times in the 2014-15 year. We do not know what last year's is yet; I will be asking the minister that. It does concern me and I think it is important now that the minister confirms, comes into the parliament, and she has until 6 o'clock tonight to come in and say to the people of South Australia, 'I will undertake to this parliament, to the people of South Australia that until the Northern Territory royal commission has concluded and given its findings on appropriate material and restraints suitable for use, including the use of tear gas on youths and in what circumstances they should be used, that I will not allow, permit or authorise the use of hoods or tear gas in South Australian detention centres.'

I think it is incumbent on her to do that. I know that the Commissioner for Human Rights has asked for there to be an expansion of the terms of reference of the Northern Territory inquiry and for that to include an invitation to other states to identify if they are also struggling with this. It is not to say that these are easy issues, it is not to say that our personnel who are employed in our youth detention facilities are not at some risk at the behaviour of some of the youths in these facilities, especially if they in withdrawal from drugs and the like or, of course, if they are aggressive and have not had rehabilitation to deal with that while they are in the custody of the Minister for Communities and Social Inclusion. I think she needs to do that and I think she needs to reassure South Australians about that.

Minister Bettison was also appearing in estimates on the question of women, and the biggest disappointment I have in this area is that although we have a select committee in respect of domestic violence and family violence in this state that has been tabled in this parliament since April, not one dollar of this budget was allocated specifically to deal with domestic violence. There was a small amount allowed to do a report on homeless women, $150,000 from memory, but not a dollar to deal

with the issue of enforcement of intervention orders and reform in that area, Clare's Law reform, which of course has been on the table for a year now to be considered, or application of further resourcing, etc.

At best, we have a promise to extend some of the MAPS, which is a coordination program between the relevant agencies that deal with response teams and part of the call-in centres. We have had these reports a number of times and the government has said, 'We will now publish a new issues paper and call for submissions until September,' and goodness knows when we might have some action. I remind the Attorney-General and minister Bettison that a woman is dying in Australia at least every three or four days from domestic violence, and that is not to mention the thousands of women and children, particularly, who are the most in number of victims, who are injured or left homeless or left in an impecunious state, which, of course, is not acceptable.

When minister Bettison came in and said that she was part of a government that was proud of the work it was doing in respect of domestic violence, I nearly threw up. I felt sick. It is just not acceptable to pretend that something is being done when we just get another report and then another report. The rest of us get another coronial inquiry to read relating to the death of someone that should have been avoided. I just despair because it is really a head in the sand approach if you do not accept that there is a problem and that we do need to do more about it.

In respect of the Department of State Development, minister Maher presented. The shadow minister for state development and a number of other members of our team who deal with mining, higher education, arts, Aboriginal affairs, science and innovation—to name a few of the subsections within state development—very competently inquired on a number of matters. I did attend some of these. For example, I inquired of the Treasurer what advantage he saw for the state in selling the Lands Titles Office, or any services operated by it. Predictably, his answer was obtuse.

He seemed to take some joy in saying that it was going to create a whole lot more money for him to spend. The current estimate is that South Australia would pick up about $300 million for selling off those services, while of course the Lands Titles Office staff and other supporters of the public sector union are rallying in Hindmarsh Square against this because there is no provision of protection. In fact, we have a budget bill to debate next that says that the Registrar-General of the Lands Titles Office and the two senior directors are to be protected as public servants but that everyone else's role goes.

They are amending the act to ensure that only the top dogs are protected, not the rest of them. The government says that under the Public Service Act they are entitled to opportunities to be reallocated. The truth is that a number of their positions will be sold off. They may take the opportunity to apply to whatever private agency buys that sector in due course, but the government's dismissal of these people, as though they are toys to be thrown away, is alarming.

I make the point that when an individual rings me and says, 'I've read this on our pinboard at work. You've put out a press release, Ms Chapman, about this issue of the Lands Titles Office being sold. These are my concerns. Why is the government doing this?' I reply, 'It's very clear: because they want the money, they are desperate for the money, and your job is secondary in their priorities.' It is very disturbing to me that they will come in here and masquerade some pretence of care for the workforce they employ, yet they are prepared to discard them so readily.

Finally, can I mention mental health. Minister Vlahos presented to the committee. This is a difficult area but, again, all I ask her to do is to focus on the fact that we will never get adequate mental health services for the people of South Australia. I think she made a valiant effort to try to present to us that there are X number of mental health beds. She exercised some care in identifying priorities about where they should be, etc., for acute care. The truth is that we are very much undersupplied here. The Public Advocate tells us that every year and the people who work in the mental health industry tell us that every year.

We are strangled by inadequate services for our mental health. Frankly, if you live in the country you may as well give up if you want mental health services. When the government says that it is going to flog off 40 per cent of the Glenside site to Cedar Woods for a housing development and quarantine a little bit for the relocation of Ward 17 from the Repatriation General Hospital—which is grossly inadequate for what we need—it is a shame.

The worst of it is when the government allows a situation for the Treasurer to come in here and proudly announce that he is going to fund 70 new prison beds, yet not make provision for the 20 to 30 people who are in our prison system every day who should not be there, people who have undertaken certain conduct that has got the attention of the authorities but who are not fit to plead. They are not capable of being convicted, but their behaviour is such that they need to be detained for mental health purposes.

When the government cannot fit them into a mental health facility or a forensic facility—which was specifically built out there in the 1980s at James Nash House—then the Minister for Mental Health signs under section 269V of the Criminal Law Consolidation Act to authorise them to go to a prison—and we see this every day. Some families out there are waiting for adequate facilities where their son or daughter, husband or wife, partner or niece or nephew is on a waiting list trying to get into this service.

What is the government's answer: 'We'll build more prison beds.' How about reopening some facilities, allowing some extra facilities at Glenside, quarantining some of the Repatriation General Hospital, which should not be sold, or at least keep part of it for mental health services for our returned servicemen and women, and make sure that we have this service available. To just say, 'We're doing the best we can,' when the Treasurer and the Minister for Health are squandering money like drunken sailors is just obscene.

We will never get respite for women, people in mental health or children who are, of course, looking for protection—now with Ms Nyland's report tomorrow. We are never going to get protection for these most in need while the government squanders that money. Until the people of South Australia rise up and say, 'We're not prepared for our taxes to be paid in this way and squandered in this way,' this government will continue to have a licence to have it. Tragically, fixed elections mean that we are going to have at least another budget by this government before the 2018 election, but come 2018 we want a clean sweep.

Mr TRELOAR (Flinders) (12:31): I rise today to speak to the reports of the estimates committees and to thank in particular the shadow ministers, along with their staff, for all the work they have done, from our side at least, in the preparation for this. It is an opportunity, of course, whereby the opposition has a chance to interrogate the government on individual budget lines and I, for one, enjoy it. Deputy Speaker, may I also say, 'Well chaired.' I know a lot of the committees that I sat on you were chairing and you certainly had a long week, as did many others, but it is not easy chairing those committees, particularly as there is a little bit of angst at times.

The DEPUTY SPEAKER: They do get a bit grumpy, don't they?

Mr TRELOAR: They can be, indeed. However, as I said, I, for one, enjoy estimates. I think it is an opportunity that should be taken advantage of. Obviously, it could be tweaked a little bit in the way it is managed and structured, but it is a very important part of the democratic process here in South Australia. It is interesting to see the various ministers and the way they respond to the committees, the way they prepare for the committees and the way they are prepared either to answer questions or to take them on notice and the proportion of both.

I sat on committees this week particularly, as I was not required last week, but I enjoyed the opportunity to be involved with agriculture, food and fisheries, tourism, employment, manufacturing and innovation, disabilities, mental health and substance abuse, so I would like to talk briefly about those committees. The first one that I was involved with earlier this week was the water and River Murray which involved DEWNR and, of course, minister Hunter from the other place.

I was particularly keen to get involved with that committee because it is such a big issue for this state. Fortunately, the flows into the Murray look like being reasonable this year. I understand that the irrigators along the Murray have recently had their allocations raised from 30-odd per cent to 59 per cent, and it is now 80-something per cent. I will correct those figures because I do not have them off the top of my head, but irrigators look like being well set for this coming summer.

However, you can never guarantee these things and you can never guarantee water flows in the Murray-Darling system because of, as we all know, the environment, the climate and the landscape we live in. I have spoken on many occasions in this place about the water supply on Eyre Peninsula and I took the opportunity to ask minister Hunter particularly about the upgrades that

are budgeted for the Tod Reservoir. It was enlightening, I must say, to hear his answer; it is recorded in *Hansard*. I, for one, am pleased that there is money being spent on the Tod Reservoir. The minister stated:

> Recent work has confirmed that the dam does not comply with the ANCOLD safety guidelines and that an upgrade or decommissioning will be required to make it compliant.

The first thing I would like to talk about is the ANCOLD safety guidelines. I understand that we are a signatory to that agreement, and what we have agreed to as a state, and other states have done it as well, is that we ensure that our dam wall structures are able to withstand a one in 600,000-year event. You can imagine the incredulity of my constituents when they were informed that this was a requirement that we had actually signed up to—one in 600,000 years. That is more than one in half a million years flood event—quite an extraordinary assessment, I think.

SA Water's most recent portfolio risk assessment was undertaken in 2014. It indicates that the Tod River dam, the dam wall, is among SA Water's highest risk dams, and that does not surprise me. A nearby landowner has been suggesting to me for some years that the dam wall leaks from place to place, so there is no doubt that money needs to be spent. Accordingly, the upgrade will begin in the financial year 2016-17. The Tod Reservoir has been offline since 2002 due to high salinity and other water quality issues.

SA Water has confirmed the treatment requirements and the lack of reliable catchment run-off. I would actually dispute that. In most winters, I suspect there is enough flow within the catchment to put water into that reservoir. Particularly in the last six or eight years, we have had good winter rains. Just ask the wheat farmers on Eyre Peninsula. They have had good seasons and that translates to good flows. The minister suggested that the Tod River Reservoir is not in fact there to be a backup for water supply, and that was always really the hope for many people, that it would be held in reserve for water security should our southern basins require supplementing.

He went on to say that what the government needs to attend to is the safety improvements to maintain the integrity of the dam wall and retain its availability for future opportunities should they arise. I am of the understanding that a mining company has been negotiating with SA Water about the possibility of providing water. Let's see how that plays out. Certainly, most of these mining companies still have a little way to go before they are operational, and in the current climate it is difficult to raise capital.

There were four options considered by SA Water with regard to the Tod: a full safety upgrade of the dam wall and spillway, a phased upgrade, and a full or partial decommissioning of the dam. A phased upgrade has been selected as the preferred option, and the design work is essentially complete. A total of $1.592 million has been spent on the project to date—$1.5 million—and the overall project budget will be about $14 million. The dam upgrade work is scheduled to be completed in June 2018, so it is still a couple of years away. Within that work there will be minor expenditure for revegetation in the following years. I have said before and I will say it again, there are major concerns about SA Water's plans for this reservoir. It is an iconic dam and there is no doubt that people on Eyre Peninsula have a sense of ownership with regard to this particular piece of infrastructure.

Another question I asked and something that constituents come to me often with is the quality of the water and the reticulated supply on Eyre Peninsula. Just recently, a landowner from the northern part of Eyre Peninsula sent me some photos. Of course, you can send photos over an iPhone these days and it is relatively easy and quick to do. What he was demonstrating to me was the blockages that were occurring within his on-farm system as calcium solidifies and deposits, particularly around the joins, troughs, taps and the like, and how that actually restricts the water flow. It is a real problem.

A lot of these farmers are spending many hours simply patrolling the water lines for leaks or blockages and, should a blockage be discovered, many more hours trying to find where that is and then unblock it. It is time consuming, it is tedious and it is costly. Of course, particularly over the summer, when livestock are involved, the absolute requirement is that water be on hand for stock to drink. Often, this water has been in the pipeline which runs above ground for many hundreds of kilometres and my understanding is, as the water travels further and warms up over time, it is more likely to deposit its calcium, so that is where the troubles come. We had an explanation to that

question from the new chief executive of SA Water, Mr Cheroux, and what he said in answer was that:

> We [SA Water] have a number of initiatives ongoing in terms of water quality. As you know, water is the most regulated product in the world.

I am not sure whether it is a product or a commodity, but it is certainly valuable. Even if it is not regulated, it is valuable. Mr Cheroux went on to say:

> It is regulated to the level of each physical or chemical component, so we are making sure that, first, we comply with the Australian Drinking Water Guidelines.

That is somewhat problematic because I am sure the reticulated supply on Eyre Peninsula currently complies with Australian Drinking Water Guidelines, but I am not sure many people actually drink it. I might add that, because of the high calcium content, my understanding is that those houses on Eyre Peninsula that use the reticulated supply into the home have very short life spans for things such as hot water services and kettles.

Hot water services in Port Lincoln, I understand, have a lifespan of about 18 months. So, every 18 months, because of this water quality issue, they are replacing hot water services and, of course, you can imagine the kettle. Most people have retained their rainwater tanks, at least in the home, and are drinking rainwater, which we used to do and has far less taste to it and far fewer quality problems than the drinking water. Mr Cheroux goes on to say that SA Water are also:

> …trying to improve the aesthetic quality of the water, so we are working on a number of issues.
>
> It can be simply working on the way we manage the filters at the different water treatment plants and how we manage the cleaning of the filters…We change the chemicals. We flush pipelines. We clean the tanks. That is all the day-to-day operations of what we are doing. In addition to that, we have a number of research and development projects ongoing. Algae is one of them because algae will create a lot of disinfection subproducts and will have an impact on the taste of the water.

Finally, he gets back to the question at hand with regard to hard water and calcium carbonate:

> The quality in terms of calcium carbonate and all the products that will make the water hard is something also that we are working on.

I am pleased to hear:

> There are a number of projects, but it is very much our day-to-day activity to make sure that this is not only compliant with Australian Drinking Water Guidelines but also has good aesthetic qualities.

I am pleased to hear that SA Water are continuing their works in addressing this hard water and calcium carbonate. I for one will be writing to the new chief executive in the very near future highlighting, exactly as I have done today, what I believe to be ongoing water quality issues on the Eyre Peninsula. In all of that, of course, there was part of my question which referred to ongoing water security on Eyre Peninsula, and that was not addressed at all by the minister.

I sat in on the committee that addressed agriculture, food and fisheries. Of course, this is a great interest of mine having spent 30 years as a wheat farmer before I came into this place. I still live on the farm and take an active interest in the farm and the farmlands not only of Eyre Peninsula but right across this state. It remains such an important sector of the state's economy, particularly from an export point of view. It is one of the few industries we have in this state where we actually bring new money into the state's economy.

We grow our product, it is generally exported or sold into the Eastern States, and it is new money. It is not money going round and round. It is not people selling lattes to each other. This is actually generating export income, vital to the state's economy. Yet, we have seen massive cuts to primary industries, in the order of $100 million—devastating. There has been a $100 million funding cut to the Australian Centre for Plant Functional Genomics and the mishandling of drought loans to South Australian farmers, as well as no funding for a forestry innovation hub for Mount Gambier.

This industry, this sector, that is so critical to our economy is not being supported by this government. In fact, it is cutting funds to such important things as the Australian Centre for Plant Functional Genomics. One of the really important sectors in Australian agriculture has been the breeding programs that have delivered varieties and species that are suited to the Australian landscape, that are often drought tolerant, and they are bred.

In fact, through the latter half of the 20th century such places as the Waite Institute and Roseworthy Agricultural College were renowned around the world for their wheat breeding programs, and we exported a lot of that technology to other parts of the world. The farmers, the fishermen, the graziers, the pastoralists, the vignerons, the orchardists, the foresters are all beavering away and making a not insignificant contribution to the state's economy and certainly, I believe at least, need more than acknowledgement; they actually need support with breeding programs and primary industries support.

I sat in on tourism, and of course in my part of the world tourism also is a growth industry. I have often said that it does not matter what we do on North Terrace, it does not matter what they do in Canberra, the most important thing for Eyre Peninsula is whether it rains or not and where the fish are, but there is a third tier to our economy now, and a growing tier, and that is that of tourism. My personal opinion is that we need to be advertising at a local level Eyre Peninsula, the beautiful beaches we have, the opportunities we have to get away, the fantastic coastline, the Gawler Ranges. All those things that we are so proud of, we need to be advertising them into the Eastern States, into Melbourne, into Sydney, into Brisbane.

Half of Australia's population lives on the eastern seaboard, and I think that is a market that is worth tapping into. It is all very well to have international visitors coming in, and it is lovely to see international visitors to Eyre Peninsula, but I think there is a whole market of some millions of people who if they knew about Eyre Peninsula and what we had to offer could relatively inexpensively and quite quickly come and visit us. I think that is an opportunity that we need to take up.

Viewers of *Today Tonight*, just last evening, would have seen the debacle surrounding the government's extremely poor handling of a Clipsal 500 contract which has left many businesses out of pocket. Somebody has to take responsibility for these things. Small businesses out there are doing it hard enough without government contracts going awry. It is about governments doing due diligence, because I understand the contract is let and there are subcontractors involved, but the subcontractors more often than not are small businesses, mum and dad businesses, which are doing their best to make ends meet, doing their best to make the South Australian economy work, doing their best to make the Clipsal 500 work, and unfortunately due diligence was not done and that was highlighted, or at least was brought out, during the estimates committee yesterday.

My understanding is that the Small Business Commissioner is looking into this whole sorry saga, and I would like to commend the work of the Hon. David Ridgway, Leader of the Opposition in the other place. He has actually been relentless in his pursuit on behalf of those small businesses. It is not the first time it has happened. Back to SA Water again, I have some small businesses on Eyre Peninsula which have been left out of pocket after subcontracting to a larger business that had won a contract from SA Water.

It is really important. You cannot just write these people off. The government needs to take some responsibility, do some due diligence in the research and the way they let their contracts, because it is quite unsatisfactory to leave people high and dry. Often the smallest people, those small businesses, are the ones that are left high and dry. Everybody else manages to pick up the pieces, but they are more exposed than anyone.

I sat in on the employment committee. The Minister for Employment, in the first instance at least with regard to employment, was disappointing in his ability to answer questions about job programs across government and under his portfolio. It was a bit unclear to me just what his portfolio was, even though he is the Minister for Employment. He was very quick to indicate under questioning that it was the responsibility of another minister or another department, so I am not actually sure what the Minister for Employment does.

Ultimately, the whole of government is responsible, I understand that, but we have a 7 per cent unemployment rate in this state. It is the nation's highest. These unemployment woes here in South Australia are well documented. We have youth unemployment running at about 14 per cent. Treasury's own forecasts predict 0.75 per cent growth in employment in 2016-17, and that is less than half of the 1.8 per cent predicted nationally. We are a small state, we have just 7 per cent of Australia's population now, which is a bit sad in a way. A 'genteel decline', I think the Premier described it as at one point.

To be quite frank, this government is going to run out of people to blame. The latest one I heard, and it has just been in the last few weeks, is that we have gone right back to the Playford era as being responsible for our woes. We are transitioning out of the economy established by the Playford era. For goodness sake, it was 50 years ago—50 years ago and we are still looking for somebody else to blame. Ultimately, somebody in this government has to take responsibility for the dire predicament that we find ourselves in.

Mr GARDNER (Morialta) (12:51): I am very pleased to have the opportunity to comment upon the estimates process we have been through over the last week, and I will do so for the next eight minutes. I was obviously pleased to participate in those committees on the portfolios I represent as the shadow minister. Education and higher education were on Friday, the multicultural affairs portfolio and science and information economy were yesterday, and the arts portfolio was on Monday. I will comment only briefly on each of them just to put a few things on the record.

I do commend the casual reader of *Hansard* to look at the *Hansard* of these committees. Some of it makes good reading. I have reviewed some of the *Hansard* myself over the last couple of days to refresh my mind and to clarify what some ministers have said, because when ministers are in the thrust of answering a question sometimes you are preparing for what the next question will be and may miss a word or two, and you do not like to misrepresent anybody. I have refreshed my memory. I do encourage people to have a look.

There was some interesting material found, some useful information for the people of South Australia in contemplating public policy decisions in these areas. I will just touch briefly on a few of the things that struck me. On Friday, speaking with the Minister for Education in the estimates process, we spent some time talking about the structure of the department. The Department for Education and Child Development, the creation of the current Premier when he came to office in bringing together the child protection arms and the education arms of government, has, as has been found by royal commissioner Nyland, been a disaster.

It has been a catastrophe for child protection in South Australia and it has failed the effective education of our children as well. The government has now agreed to split it, and given that the very first line in the education pages of the budget identified that the split was to take place following the recommendations of the royal commissioner, the government was going to back down on their firmly held views, up until a couple of months ago, that the departments had to be together. They were going to take up the Liberal policy of splitting the two departments at the urging of the royal commissioner, who came on the heels of just about every stakeholder in this area over the last four years who had been urging the same.

I spent some time asking the minister why, given that this was going to happen, the budget papers did not reflect this, why it had not actually happened yet. There were few answers, but despite the fact that on the day the Premier accepted the royal commissioner's findings he answered that it would happen quickly, despite the fact that the royal commissioner urged that it happen quickly so that budgetary provision could be made for child protection, the minister identified that they had in fact decided to wait until after the royal commission came down with its findings before splitting that department.

We asked some further questions about the departmental restructure. In particular, I noted that in August last year the minister—along with her chief executive, the Premier and the Deputy Premier—had identified that the education department was going to be restructured and that the bureaucracy in Flinders Street was going to be slimmed down and resources were going to be returned to the front line, to schools. In particular, 300 staff were identified in that report, in the press release from the education department's CEO, in public statements in *The Advertiser*, by the Premier, the Deputy Premier and Minister for Education.

Three hundred staff were going to be moved out of head office to work on the front line to work more closely with schools. What we learnt on Friday is that, despite it taking nearly a year for the record to be corrected, the minister decided that this was the time to correct the 'confused' (I think was the word she used) reporting. The intention had never been for 300 staff to be moved from the education department into schools, that the teaching and learning unit that these 300 officers of the education department comprised would instead be moved out of Flinders Street but still maintained as a central unit. They just would not be in the central building anymore.

The minister identified that there were three reasons why this would be useful, and I do not disagree with any of them per se. Firstly, if the teaching and learning unit is for those officers to support people in developing best practice in teaching and learning, then having them in Flinders Street created an issue with parking and people did not necessarily like coming into Flinders Street. Secondly, there were not necessarily the right number of conference rooms in the Flinders Street building available to hold their sessions. Thirdly, there was a perception problem: teachers and staff at schools saw Flinders Street as 'the other'—I am paraphrasing here—and 'we want to put it in a position where the teaching and learning unit can actually attend at schools and be based off site somewhere else'.

Having announced this in the middle of last year, having had it reported that there were going to be teachers returning to classrooms, which was reported positively, I might add, the minister was certainly happy to take the front pages and the accolades of commentators who were supporting this move last year, although she now identifies that they were mistaken. The minister, of course, has had nearly a year to do this but she has not actually achieved the central thrust, which was to move this teaching and learning unit, kept intact with its 300 staff, out of Flinders Street. It beggars belief that this government can act in the way that it accuses others and minor parties of acting on a regular basis: seeking a headline and then letting a story go; not actually doing the work, not actually doing the hard bit.

Announcing something that people want to happen is the easy bit. Making it happen is what we expect of a government and that is why we pay them the ministerial salaries. That is why you get to sit on that side of the chamber: to actually put into action the things that you say you are going to do, especially on something where you had the bipartisan support of the parliament. It is astonishing to me that they announced this, clearly without having had a plan to do it. So the staff remain in the department and Flinders Street remains 'the other', as might have been described by the minister in different words, and so forth. We discussed the infrastructure projects, we discussed some issues relating to SACE. I thank the ministers for their efforts—those who took the time to answer opposition questions.

When ministers and their officers are preparing for estimates, if they see figures in the budget jumping around dramatically from one year to the next, there is a reasonable chance that there are going to be questions about this. If the performance indicators, activity indicators and targets are missed by a long shot, we are probably going to ask questions. So maybe, in your preparation for estimates next year, do some preparation on those obvious things so that we do not have to have the rigmarole of taking questions on notice and coming back, maybe in late September, if we are lucky, with the answers. I hope those answers to questions taken on notice will come back in short order.

I thank the officers for all the work they do in supporting their ministers in this important process, which I think can be quite useful as long as it is treated respectfully by those ministers taking those questions. I look forward to seeing the appropriations passed and public servants paid in the year ahead.

Debate adjourned on motion of Hon. A. Piccolo.

Sitting suspended from 13:00 to 14:00.

Parliamentary Procedure

ANSWERS TABLED

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

VISITORS

The SPEAKER: I welcome to parliament today legal studies students from Emmanuel College, who are—

Mr Marshall: My alma mater.

The SPEAKER: —alma mater of the Leader of the Opposition; however, today they are guests of the Deputy Premier and Attorney-General. I also welcome students from Teshima High School in Japan, who are in Australia on an exchange with Modbury High School, and they are guests of the member for Florey. I also welcome students from Eynesbury College who are guests of the member for Adelaide. I also welcome students of the class of 1943 from Walford House Church of England School for Girls.

The Hon. L.W.K. Bignell: It must be the class of 1993, sir, I think.

The SPEAKER: The member for Mawson will not interject that it is the class of 1993. They are guests of the member for Elder, whose mother is among the group.

PAPERS

The following papers were laid on the table:

By the Attorney-General (Hon. J.R. Rau)—

Suppression Orders—Annual Report 2014
Supreme Court of South Australia—Judges of—Annual Report 31 December 2014
Rules made under the following Act—
Magistrates—
Amendment No. 57
Civil—Amendment No. 13

By the Minister for Tourism (Hon. L.W. Bignell)—

Regulations made under the following Act—
Major Events—Credit Union Christmas Pageant No. 2

By the Minister for Local Government (Hon. G.G. Brock)—

Local Council By-Laws—
City of Onkaparinga—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 6—Foreshore

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

Regulations made under the following Act—
Firearms—Exemption for Manufacture and possession etc of silencers

Ministerial Statement

PATIENT RECORDS

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Over the past week, reporting in media and social media has disclosed very sensitive personal information about a patient of our public hospital system. On Tuesday, I spoke with the patient who made it clear that he did not want his personal medical details publicly disclosed and asked that his privacy be respected. I released a statement advising of the patient's express wishes. Even though it was made clear the patient did not consent to the disclosure of his personal information, specific details of his health care continued to be reported and circulated in the media and social media. This disgraceful breach of privacy has left the patient anxious and distressed.

Members interjecting:

The Hon. J.J. SNELLING: I was particularly disappointed by media outlets allowing commentary on the story published online, which led to public comments which ridiculed and trivialised the matter. I have been told the patient has made a formal complaint to the Northern Adelaide Local Health Network about the breach of confidentiality. In response to the complaint and on behalf of the patient, this breach was immediately reported to the appropriate regulatory authority for investigation, and SA Health will also conduct an investigation into the breach.

Disclosure of a patient's personal information without their consent is an offence under the state's health law and a clear breach of our patients' trust in our health system. Public debate and discussion about our health system is welcome; however, I draw the line at using a patient's sensitive and personal information without their consent. This is not the first time we have seen a patient's private information used publicly without their consent. We remind those who continue to report and share such information in the media and social media that this behaviour is unethical and can cause significant distress to those involved.

Members interjecting:

The SPEAKER: I call to order the members for Heysen, Schubert, Morphett, Hammond, Newland, MacKillop and the deputy leader. I warn for the first time the member for Heysen—and I welcome her back to the list—and the deputy leader, and I warn for the second and the final time the deputy leader.

BRICE, CORPORAL C.A.

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.L.J. HAMILTON-SMITH: It is with great sadness that I report the passing of Corporal Clifford Alwyn Brice. Corporal Brice (Cliff to his comrades) passed away peacefully on Saturday 30 July at the RSL Villas at Angle Park, aged 96 years. Cliff will be remembered by all those who loved him with great fondness and admiration.

Born on ANZAC Day 1921 in Kingswood, South Australia, Corporal Brice enlisted in the Australian Army on 26 July 1940 at Southwark. He was just 20 years of age. Assigned to the 2/8th Field Ambulance, he saw active service during World War II at Tobruk in Libya, El Alamein in Egypt and in New Guinea and Borneo. Corporal Brice was one of a small group of remaining Rats of Tobruk who attended the 75th anniversary of that battle held in Canberra in April this year. The reunion with old mates was very much a highlight for him.

For those who do not know Corporal Brice, he was the poster boy for the current ANZAC Centenary *Wish me luck* exhibition, showcasing photographic portraits of Australia's World War II veterans. Corporal Brice attended the launch of the event on Friday 8 July with his family, who were pleased to see him honoured in this way. Although his health had been declining over recent weeks, he was able to attend the launch with his stepson Geoff and Geoff's wife, Kath, who were both very proud to see Cliff's photo amongst the others selected for the exhibition, commenting that, 'It captures his gentle and kind nature, as well as his pride at being a Rat of Tobruk.'

Photographer and exhibitions co-curator, Louise Bagger, wrote about Cliff in her think piece published last week when she said this:

> One of the most engaging Veterans I photographed, who has become the poster boy of the 'Wish Me Luck' Exhibition is 98 year old Clifford Brice, a true Rat of Tobruk! Clifford is a living legend. He represents everything that is remarkable about the unsung heroes of our communities. The shy, humble and unassuming servicemen and women who walk amongst us every day, whose stories are incredible, and whom we would never know had served because their humility prevents them from sharing this fact with us. In Clifford's case he showed me the diary he kept during his time in Tobruk, in Libya. Written on toilet paper, using a lead pencil, it is about the size of an A6 notebook, wrapped in the same protective tissue that has held it together for more than 70 years. There are precious moments in life that no-one can imagine or anticipate, and which will forever be cherished by me.

His funeral in its entirety will be held tomorrow, Friday 5 August, at the RSL Villas at 18 Trafford Street, Angle Park at 10am. His family and RSL Care invite those who wish to pay their respects to attend the service. Vale, Corporal Clifford Alwyn Brice. Lest we forget.

Honourable members: Hear, hear!

Question Time

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11): My question is to the Minister for Health. Will the minister initiate an independent investigation into claims by the President of the Salaried Medical Officers Association that there have been at least three cases of patients experiencing poor outcomes as a result of the downgrade of the Modbury Hospital and that there may well have been avoidable deaths? If not, why not?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:12): Because that particular individual, I would take nothing he says at face. That is something I have said before. Second, he certainly doesn't represent the doctors who advise me. The second thing I would say is that if that particular individual is serious about having any matter investigated, we have procedures within the Department for Health.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: He should enter them, use the normal processes—

The SPEAKER: The leader is called to order and warned.

The Hon. J.J. SNELLING: There are established systems that we have in place where any adverse event should be notified. If that individual is aware of anything, he should enter it on the appropriate system and have it investigated in that way.

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): My question is to the Minister for Health. Does the minister guarantee that the lack of emergency surgery services at the Modbury Hospital does not create an increased risk to patient safety and care?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:13): I guarantee that the arrangements we now have improve patient safety. You don't want emergency surgery being conducted by people who do it every now and then. The patient safety and patient outcomes are improved by having emergency surgery consolidated at one location in the Northern Adelaide Local Health Network.

The second thing I would say is it is not just emergency surgery; the overwhelming amount of surgery we do in our health system is elective surgery. There are people who have to wait too long to have elective surgery. By having the Modbury Hospital be able to be a dedicated elective surgery hospital, we are seeing significant improvements to elective surgery waiting lists in the northern suburbs.

HEALTH AND HOSPITAL CARE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): My question is to the Minister for Health. When was the minister first informed of the Modbury Hospital case that was raised in parliament last week?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:14): I made a ministerial statement on this. I have made very clear that this patient has specifically requested that his matter not be publicly discussed—

Mr Pisoni interjecting:

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

Mr Marshall interjecting:

The SPEAKER: The leader is warned for the second and final time.

The Hon. J.J. SNELLING: If the Leader of the Opposition wants to canvass any matters about this not in the full glare of the public, I would be more than happy to speak to him but, at the patient's express request, I will not be engaging on this matter publicly any further than what I have put in my ministerial statement.

HEALTH AND HOSPITAL CARE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): My question is again to the Minister for Health. Why did the minister categorically deny the allegations in relation to the Modbury case in this house on Wednesday 27 July 2016?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:15): Because they were untrue.

HEALTH AND HOSPITAL CARE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): Did the patient involved in the Modbury case ask the minister to make contact with him—

Ms Bedford interjecting:

Mr MARSHALL: —and, if not, on what basis did SA Health reveal his personal details to the minister, such that he was able to contact him earlier this week?

The SPEAKER: I call the member for Florey to order.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:15): When it became clear that this was a matter causing distress to this particular patient, Health SA rang the patient and asked would he be comfortable with having a conversation with me. He said yes, and the reason I wanted to have a conversation with him was to make sure he was happy with any public statement I made. I know I have respect for the wishes of the patient. I did not want to do anything against the patient's wishes, unlike those opposite.

HEALTH AND HOSPITAL CARE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): Supplementary, sir: did the minister advise the patient, as he reports in his Facebook post, that there was, and I quote, 'no truth to the claim that his treatment had not been compromised', or did he advise him that it may not have been compromised?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:16): I'm not going to go into the details of my discussion.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

Mr Marshall interjecting:

The SPEAKER: The leader is on two warnings. If he interjects out of order again, he will be removed under the sessional order.

The Hon. P. Caica interjecting:

The SPEAKER: And the member for Colton is called to order.

The Hon. J.J. SNELLING: I'm not going to go into details of my conversation. What I did with the patient—

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is warned.

Mr Wingard interjecting:

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

The Hon. J.J. SNELLING: I'm not going to go into the details of what I discussed with the patient. What I will say is this: the statement that I released Tuesday afternoon, I asked if that statement was agreed to by the patient and he said yes.

HEALTH AND HOSPITAL CARE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16): Can the minister advise the house who provided him with the information that there was no possible way that this patient's safety had been compromised?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:17): As I've said in my statement, this matter has been reviewed by senior doctors and they have assured me that that is the case.

HEALTH AND HOSPITAL CARE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): To the Minister for Health: was a safety learning system report made in relation to the Modbury case and, if so, on what date?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:17): My understanding is, yes, it was. I don't have the date.

HEALTH AND HOSPITAL CARE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): Will the minister come back to the house with that information later today?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:17): I can certainly have a look. I don't see what relevance it is to the house what date it was. My recollection is—I will double-check—that it was entered on the safety learning system.

HEALTH AND HOSPITAL CARE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): To the Minister for Health: who reviewed the safety learning system report, and what form of review was initiated?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:17): I'm not going to say any more than it has been reviewed by senior doctors.

HEALTH AND HOSPITAL CARE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): Has a root cause analysis been commissioned into the Modbury Hospital case?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:18): I'm not going to say any more than it has been reviewed by senior doctors.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is on two warnings. She transgressed again.

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): My question is to the Minister for Health. Has there been an increase in the number of, or level of, safety learning system notifications since the downgrade of the Modbury Hospital emergency department in March of this year?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:18): Not that I have been advised.

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): Can the minister make an inquiry with regard to this question and come back to the house?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:18): I'm happy to make inquiries. I will see what information I can get.

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): My question is to the Minister for Health. Will the minister review the need for emergency surgery at Modbury Hospital, given that in-transit ambulance officers often do not have access to equipment, clinical advice or time to fully assess whether a patient might need emergency surgery and needs to be taken to a hospital with an emergency surgery capability?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:19): I have complete confidence in our paramedics to make the appropriate clinical decisions about what is the appropriate place to take a particular patient. This is not something recent. This is longstanding, that paramedics have had to make decisions about the most appropriate place. When we have times when there is an emergency department that is very, very busy and there is another emergency department which is less busy and it is appropriate to take the patient to the less busy emergency department, that is something that has long happened. That is good medical practice because it is more likely to be the case—

Mr Gardner: It is hardly good medical practice, what is happening at Modbury.

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

The Hon. J.J. SNELLING: —that the patient will be seen more quickly being taken to the less busy emergency department than being taken to the closest emergency department.

Mr Gardner: That's not what has been happening.

The SPEAKER: The member for Morialta is warned.

The Hon. J.J. SNELLING: I have absolute and complete confidence in our paramedics. They are highly trained, they go through years of training, they have an internship program with the SA Ambulance Service. These are very trained, highly skilled individuals, and I am in no doubt about their ability to make these decisions.

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): My question is to the Minister for Health. Is there an operating theatre available for emergency surgery at the Modbury Hospital, and is it available for patients other than overnight elective surgery patients? With your leave and that of the house, sir, I will explain.

The SPEAKER: No, you won't be granted leave under the dispensation. The minister.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:20): No, there is not and there hasn't been—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned for a second and final time, and he should have been named for what he just said.

The Hon. J.J. SNELLING: We don't have a dedicated theatre at the Modbury Hospital for emergency surgery. If emergency surgery was to be done, then the patient having surgery would have to have their surgery interrupted for that to happen. That's why we transfer patients who need emergency surgery up to the Lyell McEwin Hospital.

As I said before, you don't want emergency surgery being done on you by a team who only does it every now and then. Like all of these highly complex things, you get better patient outcomes when the team dealing with emergency surgery is doing it all the time, not once in a while. That is why it is far safer and leads to better patient outcomes by having emergency surgery consolidated at the one site in the Northern Adelaide Local Health Network.

Modbury Hospital continues to see the same number of patients that it has always seen. In fact, as I said in estimates, I was there a few weeks ago. My son had broken his wrist playing soccer

and we had an excellent service. We were seen by the nurse practitioner on the site and we were in and out of that emergency department in one hour. Those sorts of presentations make up the bulk of presentations to our emergency departments, and they are the sorts of things which Modbury is very, very good at and will continue to do, providing those important services to our residents who live in the north-eastern suburbs, of whom I am one.

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): Supplementary, sir: when did—

The SPEAKER: Regarding my previous ruling, the Leader of the Opposition cannot have his cake and eat it too. The leader.

Mr MARSHALL: I don't even know what you are referring to, sir.

The SPEAKER: What I am referring to is: if I give the opposition 15 questions on the trot, they don't have explanations as well. The leader.

Mr MARSHALL: I will just ask a supplementary; it's fine. At what point did the emergency surgery at the Modbury Hospital cease to be available for emergency patients?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:22): Several months ago. It was well announced. It happened and it was very public. I remember the media about it at the time.

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): Can the minister perhaps explain to the house then why he stated in this house on 11 February, and I quote:

> We made a change so that there will be an emergency theatre available to overnight patients who have elective surgery for at least six months while we assess this program.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:23): The opposition leader is talking about two different things because the problem with the opposition leader is he reads questions that have been prepared for him by other people and he doesn't take the trouble to actually understand what he is asking. If he put some effort into actually understanding what he was asking, he might actually get somewhere, but he doesn't, he just reads a script.

What I was referring to was the issue with regard to patients undertaking elective surgery who deteriorated overnight and the availability of them to get access to a theatre if they made a sudden deterioration overnight. Originally, the plan was that those patients, if that happened, would be moved to the Lyell McEwin Hospital to go back to theatre. We discussed it with the surgeons and the anaesthetists who had concerns about that particular model and, listening to the feedback of the doctors involved, we decided that we may—

Mr Marshall: You said six months.

The Hon. J.J. SNELLING: You don't even understand what you are asking. So, in consultation with the doctors about this matter, what we did was we made an emergency theatre and a surgical team available on call to be called in in the event that a patient deteriorated—an elective surgery patient, not an emergency surgery patient—an elective surgery patient—

Mr Gardner: That's what he said.

The Hon. J.J. SNELLING: —had a deterioration overnight.

The SPEAKER: The member for Morialta is warned for the second time.

The Hon. J.J. SNELLING: That is what the Leader of the Opposition is referring to. And because he does not undertake the effort to understand these issues, because he just reads from a script, he does not understand that that is different from emergency surgery.

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:25): Let's just clarify the situation. So we actually have an emergency surgery capability—

The SPEAKER: Is this going to be a question or a statement?

Mr MARSHALL: No, it's a question. Can the minister confirm that we have an emergency surgery capability at the Modbury Hospital in place at the moment which is unable to be accessed by emergency surgery patients?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:25): What we have, as I said, is overnight 18—

Mr Marshall interjecting:

The SPEAKER: The leader will be warned by me for the very last time. If he utters another word outside standing orders, he will be removed under the sessional order. Minister.

The Hon. J.J. SNELLING: What we have and what we developed in consultation with the doctors there is to have on call a surgical team who can come into the hospital after hours to care for a patient who has deteriorated. That is not emergency surgery in the sense that you have for someone presenting to an emergency department needing emergency surgery. It is available overnight.

Obviously, during the day, if a patient deteriorates during the day, there is a surgical team already there because they would have done the elective surgery. What the Leader of the Opposition is confusing this with is having a surgical team on call. They are not in the hospital. They are there, they are on call so that they can be phoned overnight after hours should a patient deteriorate and should they need to be rushed into theatre. That is quite different from what we are talking about—

Mr Wingard interjecting:

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

The Hon. J.J. SNELLING: —or what the Leader of the Opposition thinks he is talking about. If only he understood.

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26): My question is to the Minister for Health. Has the ongoing need for an emergency theatre at the Modbury Hospital been assessed, who undertook the assessment, and what was the outcome?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:26): This is all coming out of our Transforming Health process. This is the work that was being done over a significant period of time with groups of doctors who provided advice to the Transforming Health process about the reconfigurations we needed to make to our health system to make it perform better.

MODBURY HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:27): Can the minister commit to coming back to the house to provide details of who these doctors were and whether they made written submissions with regard to this and, if so, whether he would make these available to the house?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:27): If Google boy enters Transforming Health, he will find that information, and he can tell the Leader of the Opposition.

Ms CHAPMAN: Point of order.

The SPEAKER: Point of order.

Ms CHAPMAN: It's outrageous—and if it is not in the standing orders it should be—that anyone calls you Google boy.

The SPEAKER: I'm sorry, to whom was the minister referring?

The Hon. J.J. SNELLING: The member for Schubert, sir. I thought it was obvious.

The SPEAKER: The minister is called to order, and he will now withdraw the term 'Google boy', and he will not refer to any member in this chamber other than by their electorate or ministerial position. Minister.

The Hon. J.J. SNELLING: I withdraw and humbly apologise, sir.

The SPEAKER: Leader.

AMBULANCE SERVICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): My question is to the Minister for Health. Have SA Ambulance staff been provided with any additional support in order to determine where to direct patients requiring emergency surgery?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:28): They have all the support they need. I haven't heard any indication that there is anything else that they need to make appropriate clinical decisions. They are, as I said, very well qualified. They have support back through the radio system, and they are able to contact directly with emergency departments while they are out on the road should they need to.

EDWARDSTOWN REGIONAL BUSINESS ASSOCIATION

Ms DIGANCE (Elder) (14:28): My question is to the Treasurer. Can the Treasurer inform the house of his recent visit and presentation to the Edwardstown Regional Business Association?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:29): I met a fine woman today, the mother of the minister for industry and trade—a fine woman. I thank the member for her question. Today, I attended the Edwardstown Regional Business Association breakfast. The member for Elder was a fine host, as were the Small Business Commissioner and, of course, Mr Ian Nightingale, our Industry Participation Advocate. Tomorrow, I will be attending a Lonsdale business breakfast with the member for Reynell.

Forums like today are a fantastic opportunity to meet with small to medium-size enterprises to discuss the opportunities the budget presents to them. It also gives me an opportunity to talk to businesses firsthand and understand the pressures that they are facing. My discussions with businesses at forums like today, combined with recent economic reports, give me rise to some cautious optimism in South Australia. We all know South Australia is facing unprecedented challenges as a result of the global decline in mineral commodity prices, gaps in naval shipbuilding, and the closure of the Australian car manufacturing industry; however, despite these challenges, green shoots are starting to appear.

Retail figures announced today show that in June 2016 retail turnover in the current prices rose by 0.3 per cent in South Australia in trend terms compared to 0.2 per cent nationally. During the June quarter 2016, retail turnover rose by 0.9 per cent in South Australia in trend terms compared to 0.4 per cent nationally. The latest Sensis Business Index showed that South Australia was the biggest mover in this quarter with small to medium business confidence up 24 points. This is on the back of positive reports from the ANZ Property Council, the ANZ Stateometer, the SA Centre for Economic Studies, and CommSec's State of the States report.

As I have previously informed the house, the ANZ Property Council observed a strong positive move in sentiment, business confidence and conditions in South Australia. The report outlined that there was a clear correlation between this improvement and outlook in South Australia and the aggressive approach of our government in lowering property taxes. These are tax cuts which the Leader of the Opposition stated would not create a single job, but then he called on us to bring them forward.

Businesses like those attending the Edwardstown Regional Business Association are aware of our nation-leading tax reforms. They are supportive of those reforms. They are the most comprehensive in our state's history, which sees us abolishing business stamp duties, returning

nearly $670 million to businesses and families, making South Australia the most attractive state to do business. Our tax reforms come on top of our WorkCover reforms, which have delivered almost $180 million per annum worth of savings to businesses, and combined have assisted in creating 6,900 additional jobs in the past 12 months to June 2016.

That is why KPMG's Competitive Alternatives report has ranked Adelaide as the most competitive city surveyed within Australia, ahead of Melbourne, Sydney and Brisbane. There is much more work to be done, particularly as the closure of Holden approaches, but recent economic reports show that we should remain cautiously optimistic as we transition away from a traditional manufacturing economy to an economy based on advanced manufacturing and other high value adding industries.

Last year's budget cut taxes. This year's budget sees businesses invest and people wanting to grow the economy and hire new people, with rebates of up to $10,000 and $4,000 per job created for businesses in South Australia. I look forward to the long chain of defence projects recently announced by the commonwealth, and most importantly I look forward to tomorrow's BankSA survey released just after the state budget.

MODBURY HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:33): My question is to the Minister for Health. In the face of growing concerns about patient safety at the Modbury Hospital emergency department, will the minister now withdraw his assertion to this house on 11 February that doctors' opposition to changes at Modbury Hospital was based on their not being willing to drive to 'Elizabeth and because of snobbery'?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:33): No, I will not.

MODBURY HOSPITAL

Dr McFETRIDGE (Morphett) (14:33): My question is to the Minister for Health. Will the Minister for Health now provide an answer to my question first asked on 11 February this year: will the Modbury Hospital emergency department maintain its current level of accreditation by the Australasian College of Emergency Medicine after the Transforming Health process is implemented?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:34): I apologise to the member for Morphett if I have not got back to him on that question. I will check. Certainly to my knowledge that is the case, but I will double-check and make sure he gets an answer.

HEALTH COMPLAINTS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:34): My question is to the Minister for Health. Where can patients now go with their complaints, given that SA Health and the minister are widely regarded as being more focused on protecting their reputation than on protecting patient outcomes?

The SPEAKER: The question is out of order. Member for Morphett.

LYELL MCEWIN HOSPITAL

Dr McFETRIDGE (Morphett) (14:34): Again, my question is to the Minister for Health. Given that, in the 24 hours to 6am this morning, the Lyell McEwin emergency department has been operating over capacity for 17 of those hours, how can the minister assert that the Lyell McEwin Hospital is coping with the downgrade of the Modbury Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:34): Simply because, as I said before, certainly Lyell McEwin is very, very busy, but to suggest that that has anything to do with changes in the Modbury Hospital is a lie. I would say it is a lie because the evidence says the complete opposite. There have in fact been improvements to the performance in the Lyell McEwin Hospital.

While, yes, of course it has been busier than it has ever been before, that is because of the population growth in the northern suburbs and is the reason why this government has spent over $300 million upgrading the Lyell McEwin Hospital, because we realised when we came to office that, with the population growth in the northern suburbs, significant investment was going to be needed to be made in the Lyell McEwin Hospital.

If you look, as I have said before, transfers from Modbury to Lyell McEwin hospitals are relatively few in number. They are certainly well within what we projected them to be and, where patients are transferred, they don't in fact go through the emergency department of the Lyell McEwin Hospital: they are directly admitted. So, if people are suggesting that this has anything to do with changes at the Modbury Hospital, knowing that to be the case, I think you could only draw the conclusion that they are deliberately putting out misinformation.

The second point I would make is that I heard it suggested by one person that this had something to do with people not presenting to the Modbury Hospital and going to the Lyell McEwin Hospital instead. Again, the evidence tells us that that is misinformation because we know that the Modbury Hospital is as busy, with as many presentations, as it was previous to these changes.

LYELL MCEWIN HOSPITAL

Dr McFETRIDGE (Morphett) (14:36): Again, to the Minister for Health: given that, as of this morning, there were four general inpatient beds available with two patients waiting for a bed—

The Hon. J.M. Rankine interjecting:

Dr McFETRIDGE: —can the minister assure the house that the Lyell McEwin Hospital has enough spare bed capacity to cope with the level of demand?

The SPEAKER: I call the member for Wright to order. Minister.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:37): Yes, I can. On the issues with Lyell McEwin Hospital, what it needs are not necessarily more beds, although I do point out we have significantly increased and we will continue to increase the number of beds at the Lyell McEwin Hospital. We are not closing beds, as the Leader of the Opposition suggests. We are opening additional beds at the Lyell McEwin Hospital. The opposition reduces all this down to how many beds we have in the system, when our health system is in fact far more complex than just a simple equation about bed numbers.

What we need are services at the Lyell McEwin Hospital. That is why we need a second cath lab to deal with heart attack patients at the Lyell McEwin Hospital, and that is why we need a second CAT scanner at the Lyell McEwin Hospital to help diagnose patients who are in the emergency department. The reason why patients are delayed more than they should be at the Lyell McEwin Hospital is not necessarily about beds. It is about access to the various diagnostic services and treatments that those patients need, and the government over the last 10 years has been working very, very hard and investing significant amounts of money into the Lyell McEwin Hospital to improve those things.

I can tell you now that, if we had taken the opposition's approach and left the Lyell McEwin Hospital as it was when we found it, it would have been completely overrun by the population growth in the northern suburbs.

LYELL MCEWIN HOSPITAL

Dr McFETRIDGE (Morphett) (14:38): Again, to the Minister for Health: given that, as of this morning, more than 42 patients at the Lyell McEwin Hospital were placed in beds—

The Hon. J.M. RANKINE: Point of order, sir.

Dr McFETRIDGE: —in wards managed by one stream while they are—

The SPEAKER: Point of order.

The Hon. J.M. RANKINE: Standing order No. 97: the question is out of order.

The SPEAKER: Yes, I think the question contains commentary. It will have to be shorn of its commentary and asked in a different form. The member for Morphett can work on that while the member for Fisher asks a question.

ECONOMIC DATA

Ms COOK (Fisher) (14:39): My question is for the Minister for Investment and Trade. Can the minister advise what recent reports indicate about the state's economic performance?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:39): I thank the member for Fisher for the question, which follows on from the earlier question answered by the Treasurer, because it is pleasing to be able to report that South Australia's economic performance, according to key commentators, is on the rise.

Members have noted the recent upward trends identified in CommSec's State of the States report on 25 July. While it is a stretch to extrapolate from one report, South Australians can be buoyed by news that the CommSec observations are further supported by a number of recent surveys, including the Sensis Business Index Survey, the NAB Quarterly SME Survey, the NAB Quarterly Business Survey and the ANZ Property Council Survey, that now show improved business confidence and conditions across the state.

Furthermore, Deloitte's Investment Monitor for the June quarter shows a lift in investment, with projects in South Australia valued at $42.6 billion, up 2.6 per cent. This is 0.8 per cent higher than a year ago. This result is influenced by the value of definite projects, those projects that are under construction or committed, which rose by $398 million, driven by new listed private projects.

We are able to draw an even clearer picture of economic trends by adding in the data released by the Australian Bureau of Statistics just on Tuesday. That showed that South Australian exports increased by almost 3 per cent year on year to $11.6 billion. This is above the national result, which decreased by 4.4 per cent. The Northern Territory, Western Australia, New South Wales and Victoria all reported declines, while we reported increases.

South Australia saw its copper up $428 million or 45 per cent. Other confidential items, including bulk barley, up $303 million or 13 per cent, wine up $119 million or 9.7 per cent, vegetables and fruit up $62 million or 12 per cent, petroleum and petroleum products up $45 million or 35 per cent, and wool and sheepskins up $43 million or 26 per cent.

It is also pleasing to report that in the past 12 months, ABS data showed an additional 78 South Australian businesses are now exporting. That is 78 businesses and their employees that have taken up the challenge of linking with the global economy; that means jobs and investment at home. Our TradeStart network is managing an active client list of over 660 companies, up by 100 on the previous year. More than 60 of those companies are new clients who are first-time exporters.

These results show that the state government's export strategy, including the trade missions program, growing new markets and committing to growing the premium food and wine, agriculture and advanced manufacturing sectors, is working and getting results. Commitment to abolishing taxes that constrain business investment and expansion is also delivering a result.

Over the next decade, these tax changes will return almost $2.5 billion to businesses and the community and will result in significant savings for our state's small businesses, not to mention the savings from the revised WorkCover scheme. Our small business support programs and trade assistance programs are having a positive impact. The establishment of the Investment Attraction agency SA is also adding to that growth.

This is all positive news for the state. It reinforces this government's commitment to growing our economy and creating the right economic environment for businesses to succeed. There have been some headwinds but the state government is forging forward.

OAKLANDS PARK RAIL CROSSING

Ms DIGANCE (Elder) (14:43): My question is to the Premier. Premier, could you update the house on why it is important that the federal government supports the state government's solution to upgrade Oaklands crossing?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:43): I thank the honourable member for her question. The member for Elder has been a powerful advocate for the upgrade of the Oaklands crossing.

Members interjecting:

The SPEAKER: The member for Mitchell is warned.

The Hon. J.W. WEATHERILL: I thank her for her advocacy on behalf of her community. This is a government that is committed to building South Australia, and you might have got that information—

Members interjecting:

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

The Hon. J.W. WEATHERILL: —where we said we would do such a thing, and there has been unprecedented investment in transport and infrastructure. In 2013, we released an Integrated Transport and Land Use Plan, which was an infrastructure plan for the whole of the state. In that plan, the Oaklands crossing—

Mr Pengilly: Nothing in the budget, nothing, not a thing in your budget.

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

The Hon. J.W. WEATHERILL: In the Integrated Transport and Land Use Plan, the upgrade of the Oaklands crossing was, indeed, contained, in 2013. So, this isn't a recent invention, this is something that we have had as part of our long-term planning. As you remember, during the federal election campaign, the Coalition (that is, Mr Turnbull) made a commitment of $40 million towards this $190 million project. While we welcomed the $40 million, it was obviously a small contribution to a larger project. We were grateful for the commitment but we know that it only makes a contribution.

Last Thursday, the Minister for Transport, the member for Elder and myself visited Oaklands crossing, where we called on the federal government to increase its commitment to upgrade the crossing. We have been able to do that because of the savings that have accrued from the Northern Connector project. This was another great infrastructure project for which I advocated directly with former prime minister—if we recall him, that was Mr Abbott—and Mr Hockey, who is now the former treasurer.

Fortunately, as one of Mr Abbott's last acts, about an hour before he was cut down by his colleagues, he did in fact sign up to the Northern Connector. The wonderful thing about the Northern Connector is that we were able to bring that project in under budget thanks to the excellent work of the Minister for Transport. The resources that have been saved, which are in the order of $150 million, plus the federal government's contribution of $40 million, allows us to get this project underway.

I was opening the new Marion shopping centre fresh food precinct, which is a wonderful thing—people should explore that; it is another $500 million investment by the private sector in the southern suburbs—and I was able to tell the community about that. They were very excited because they know how hard it is to get through the Oaklands crossing. The opportunity for urban development around the upgraded Oaklands crossing is also significant. I have written to the Prime Minister setting out this proposition, and—

Mr Duluk interjecting:

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

The Hon. J.W. WEATHERILL: It seems as though those opposite are also keen to get in behind this proposition and our solution. Yesterday—

Dr McFetridge interjecting:

The SPEAKER: The member for Morphett is warned.

The Hon. J.W. WEATHERILL: —the Minister for Transport and Infrastructure met with the federal Minister for Infrastructure and Transport (Hon. Darren Chester) and also the Minister for Urban Infrastructure (Hon. Paul Fletcher) to express our commitment to this project. I understand it was a good meeting. Today, I call on the Leader of the Opposition, and indeed the member for Mitchell, to join with us in standing up for the people of the southern suburbs. Up to this point—

Members interjecting:

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

The Hon. J.W. WEATHERILL: It would be helpful if they advocated directly with the member for Boothby, who I hope will be a strong supporter with us in this proposition. The Leader of the Opposition, in the lead-up to the last election, touted his relationship with the Prime Minister. Perhaps it is time to pick up the phone.

ADELAIDE FESTIVAL OF ARTS

Ms HILDYARD (Reynell) (14:47): My question is to the Minister for the Arts. What changes and announcements have been made about the Adelaide Festival?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:47): The Adelaide Festival is the jewel in South Australia's festival crown. It is an incredible event which showcases some of the best arts in the world. 2017 will see massive changes in the leadership and artistic direction, but I have faith the new faces will see a regeneration of our fantastic festival.

Ms CHAPMAN: Point of order, Mr Speaker: as the questioner has already asked the minister to identify what has already been announced today, I suggest that it is already in the public arena and therefore in breach of the orders.

The SPEAKER: Can the minister say whether this information is already available from another source?

The Hon. J.J. SNELLING: Mr Speaker, I am elaborating on an announcement that was made. There is other information—

Members interjecting:

The Hon. J.J. SNELLING: There is nothing that I am reading that has been—I am not reading a press release, if that is what Mr Speaker is interested in.

The SPEAKER: Go ahead.

The Hon. J.J. SNELLING: 2017 will see massive changes in the leadership and artistic direction—

Members interjecting:

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

The Hon. J.J. SNELLING: I have faith the new faces will see a regeneration of our fantastic festival. I would like to acknowledge the new chair of the board, Judy Potter, who has a long and distinguished involvement on arts boards, most notably, her 10 years at the Adelaide Fringe. Judy has led a rejuvenation of the board, which has seen Mark Roderick, David Knox and Amanda Vanstone appointed, joining Ulrike Klein and Jim Whalley, who both joined the board in the second half of last year. I would also like to acknowledge the dedication of previous board members, in particular, Amanda Duthie, Graham Walters and Christie Anthoney, who provided great guidance and support to the festival.

I would like to welcome Sandy Verschoor, who has stepped into the role of acting chief executive, filling the vacancy left by Karen Bryant. Karen was an extremely dedicated chief executive and I wish her all the best in her new role overseeing the Midsumma Festival in Melbourne.

Sandy has come to the Festival with great experience, having previously held the role of general manager at Windmill Theatre. She is, of course, also a councillor on the Adelaide City Council.

As I have previously mentioned in this place, taking over the helm of artistic direction from David Sefton is the formidable duo of Rachel Healy and Neil Armfield. Today, Rachel and Neil unveiled the centrepiece of the 2017 program, Handel's *Saul*. In what is something of a homecoming, we are pleased to welcome back 1996 Festival director, Barry Kosky, who has directed what I am told is an absolute masterpiece. The government is pleased to be supporting *Saul* through a one-off special grant of $700,000 to ensure the exclusive Australian rights to the opera. In fact, it will be the first time it has been performed outside the Glyndebourne Opera Festival.

Saul is expected to provide benefits similar on scale to that of the *Ring Cycle*, which attracted 62 per cent of its audience from interstate and overseas, who stayed 32,750 bed nights in South Australia and spent almost $10 million across the tourism and hospitality sectors. Not only is *Saul* a coup for the Festival but it provides an incredible opportunity for local artists and production staff, who will work with quite literally some of the world's best opera singers and producers to bring this work to the Adelaide Festival Theatre stage.

Can I thank Rachel and Neil, as well as the team at the Adelaide Festival, for their incredibly hard work and dedication to secure this amazing production. I cannot wait until October when the Fall 2017 program will be released.

SOUTH-EAST ASIA TRADE

The Hon. T.R. KENYON (Newland) (14:51): My question is to the Minister for Agriculture, Food and Fisheries. How is the government assisting South Australian businesses to export their goods and services to South-East Asia?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:51): I thank the member for Newland for the question and acknowledge the fine work that he did as a minister in getting out into markets overseas and taking trade delegations and ensuring that South Australian companies profited and that more and more jobs were created.

Last week, I led a delegation of around 50 South Australian delegates across many different sectors. We had two days in Singapore, two days in Kuala Lumpur and two days in Bangkok. We had very important meetings there and a range of one-on-one meetings organised by the people in our Department of State Development, who do a terrific job and I want to congratulate them. There were some really bespoke approaches for those individual businesses and companies that were over there, as well as things that we did in a collaborative and teamwork way, including dinners for 200-plus people in each of these cities, where we could tell the story about the transforming South Australian economy.

This visit was a follow-up visit to last year's delegation led by the Premier and the Minister for Trade, when our Premier went out there and launched South Australia's South-East Asia Engagement Strategy. What he did when he went to each of those three markets is he promised that we would be back at this time of year every year with a senior minister and a delegation of South Australian businesses so that we can grow our economy, these individuals can grow their businesses and they can create more jobs in our workforce.

It was terrific to see this week that some independent national figures came out that showed that jobs in our visitor economy grew by 4,000 in the past two years. That is tremendous news for our state. It did not happen by accident. We must thank the Treasurer for the $35 million he put in last year's budget towards tourism and the additional money that he put in this year's budget for tourism and for other sectors.

We have been recognised by the independent report by KPMG as the most competitive place in Australia to do business and the 23rd most competitive place in the world to do business. When we were over in Bangkok, Kuala Lumpur and Singapore, that was the story we were telling these businesspeople. We sat down with one group who are the second biggest sovereign wealth investment group in Singapore. They are interested in investing in South Australia. They said, 'We don't write cheques less than $50 million and we prefer if the cheques are over $100 million.' This is

the sort of scale we have to think of as South Australians. I think in the past we may have actually been underselling ourselves.

They gave us some ideas for the aquaculture industry, and I will be over with the member for Flinders tonight in his home town of Port Lincoln—a great part of the world and obviously a place that is so important for our fisheries and aquaculture centre—talking to the people in fisheries. The sort of investment they would like to see is an amalgamation of several different aquaculture companies that can bring together different seafood offerings so that all the risk is not just in one species. There is a little bit of food for thought for the aquaculture industry. The challenge is there, the investment is there, and if it is something they want to have a look at, we now have the contacts.

I would like to thank the trade commissioners and the ambassador in Bangkok and the head of missions in both Singapore and Malaysia for the great work their officers did in accommodating us. What they say is that Jay Weatherill, the Premier of South Australia, is leading the way. South Australia is leading the way in terms of trade delegations to South-East Asia. I think all sides of politics should get behind these moves and try to get more business done in South-East Asia.

The SPEAKER: The minister is called to order for using the Premier's Christian name and surname, which is out of order. Deputy leader.

AMBULANCE SERVICES

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:56): My question is to the Minister for Health. If South Australian Ambulance staff have all the support they need, as just stated by the minister, why then did SA Ambulance staff take a patient to the Modbury Hospital before having to then transfer that patient to the Lyell McEwin Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:56): Because they would have done so based on the clinical indications of the patient. I don't think there is any suggestion from anyone, and I would be very surprised if the Deputy Leader of the Opposition is making the suggestion, that the paramedics handling a particular patient have done so ineptly. I would be pretty surprised and certainly reject that.

I am sure the paramedics would have done so in accordance with the clinical indications that they had. As I have said previously, it is not unusual, if an emergency department is particularly busy, for an ambulance to go to a close-by emergency department that is less busy if it is clinically appropriate to do so. I have not heard of any suggestion in any patient where that has not been the case.

LYELL MCEWIN HOSPITAL

Dr McFETRIDGE (Morphett) (14:57): My question is to the Minister for Health. Why are patients at the Lyell McEwin Hospital placed in beds in wards managed by one stream while they are under the care of another stream? Does the minister consider that the hospital is short of specialist beds?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:57): I would have to find out and get an explanation for the member for Morphett.

LYELL MCEWIN HOSPITAL

Dr McFETRIDGE (Morphett) (14:57): Again to the Minister for Health: does the minister stand by his claim in this house on 7 June in relation to Lyell McEwin Hospital that, and I quote:

> We have also seen a 30 per cent increase in the number of patients being admitted for emergency to a medical bed within the four-hour National Emergency Access Target…

when the latest quarter compared with the same quarter last year showed an 11 per cent increase in patients in EDs with a length of stay of less than four hours?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:58): I will check the context of that remark but, yes, of course I stand by everything I have said in this parliament; if I didn't, I would come and correct the record.

REGIONAL MENTAL HEALTH SERVICES

Mr GRIFFITHS (Goyder) (14:58): My question is to the Minister for Mental Health and Substance Abuse. Can the minister provide details of the services available locally to the residents of regional South Australia in dealing with drug addiction, and does the minister believe that needs are being fully met?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:58): DASSA provides a wide range of drug and alcohol support throughout country South Australia. Recently, I toured the West Coast and talked to a number of communities in that space. Recruitment often is a challenge in some of our remote locations. I am happy to provide a detailed list of what we do provide in South Australia, rural and remote, to you outside the chamber. That is not a problem whatsoever.

REGIONAL MENTAL HEALTH SERVICES

Mr GRIFFITHS (Goyder) (14:59): In the information the minister will provide, can she ensure that it is broken down into electorates so that we understand for each of us what resources are available?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:59): We don't provide information to that level. We provide it in regions, under their health networks.

YOUTH JUSTICE SYSTEM

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:59): My question is to the Minister for Youth. How many times were spit restraints used on youth detainees during 2015-16, following the 31 occasions during 2014-15?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:59): I thank the deputy leader for her interest in this area. Like many people, I was incredibly shocked when we saw the footage of young people incarcerated in the Northern Territory and their treatment. Can I reassure people here in South Australia that the way we work in youth justice is incredibly different. When we opened the new Goldsborough campus of the Adelaide Youth Training Centre, we operated it as an open campus. The focus is on education, rehabilitation and vocational training.

We consider that the use of restraint is a use of force and, under legislation, any use of this force must be deemed reasonably necessary and justified. I am assured that restraint is never used as a punishment or to be disciplinary. It is about managing risk and safety. It was made clear yesterday, when you asked this question, that the spit masks, which are very different and very rarely used, were used 31 times in 2014-15. That is the information I have today.

Ms Sanderson interjecting:

The SPEAKER: The member for Adelaide is warned.

The Hon. Z.L. BETTISON: I can reassure people here that we don't use tear gas and we don't use dogs. This is a supportive environment. We need to protect our youth workers who work with the residents. Our focus is on rehabilitation to prevent reoffending and for people to get on with their lives.

YOUTH JUSTICE SYSTEM

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:01): A further question to the Minister for Youth Justice: minister, given your statement, will you undertake to this parliament that there will be no use of tear gas or, indeed, the spit restraints on youth detainees in South Australia until we have the findings from the Northern Territory royal commission?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (15:01): We do not use tear gas in South Australia.

HEALTH SERVICES

Mr DULUK (Davenport) (15:02): My question is to the Minister for Health. Is the government planning to relocate the syringe vending machine currently located on North Terrace outside the Royal Adelaide Hospital to the new hospital? If not, where will it be located when the old hospital closes?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:02): This is pretty granular questioning. I am not aware, but I'm more than happy to find out for the member for Davenport what the plans are for that particular piece of equipment. The Coke machine, however, I think will go down.

NOARLUNGA HOSPITAL EMERGENCY DEPARTMENT

Mr SPEIRS (Bright) (15:02): My question is to the Minister for Health. Will the minister reverse the more than 20 per cent reduction in treatment bays at the Noarlunga Hospital emergency department in light of statistics showing that the proportion of presentations to the emergency department lasting four hours or less has declined by more than 10 per cent over the last five years?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:03): No, I won't change the Noarlunga emergency department. It is working extremely well. We have released, for consultation, plans with regard to all the configuration changes at the Southern Adelaide Local Health Network. I think, on the whole, they have been pretty well received and I think all the stakeholders involved have been pretty reassured by what is in those plans.

CORONIAL INVESTIGATIONS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:03): My question is for the Minister for Health. Will the minister now review the Health Care Act to ensure that the Coroners Court receives all the relevant information, so that coroners can fulfil their task in investigating deaths?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:04): The situation with the Coroner—and I think it is very important that people think about this—is that the Coroner has jurisdiction under the Coroners Act to investigate deaths in a certain set of well-defined circumstances and has a duty to make a report, where the Coroner is able to do so, into the cause or causes of death.

The Coroner does this by first of all making a decision about which matters will be the subject of intensive investigation by the Coroner and which matters will not, and that is a judicial discretion exercise by the Coroner. In respect of each particular matter, the Coroner then, in a sense through his staff and through the assistance of SAPOL, goes about the process of conducting an investigation into that matter, collecting witness statements and so forth. It is true that sometimes the interval of time between the occurrence of the event and the final determination of that matter can be some time.

Ms Chapman: He can't get information from the adverse events committee. Let him answer it; he knows about the committee.

The Hon. J.R. RAU: I am attempting to be helpful about the way the Coroner works but—

The SPEAKER: As always.

The Hon. J.R. RAU: Indeed. There may be a supplementary question coming in this, but I am quite enjoying talking about the Coroner.

Ms Chapman: If you sit down, I will ask him and he can give us a sensible answer.

The Hon. J.R. RAU: I will in a moment, but can I just finish the exciting news I was sharing with you? What happens is that the—

The Hon. A. Koutsantonis: Give us the history of how they developed the Coroners Court.

The Hon. J.R. RAU: That is quite interesting, actually. The Coroner has an unusual jurisdiction because it is the one aspect of our judicial system which picks up the essentially Roman law concept of an inquisitorial model. Indeed, in this respect it is not dissimilar to the Scottish courts, which are not the same as the courts of the United Kingdom because the Scottish courts, of course having a different background and indeed a Roman law background in some respects, have a different concept.

That famous case of Donoghue v Stevenson, which actually arose in Scotland, was originally dealt with in that—

Members interjecting:

The Hon. J.R. RAU: Donoghue v Stevenson.

Members interjecting:

The SPEAKER: I would be interested to hear that also.

The Hon. J.R. RAU: I can talk about that one as well if I wish. Mr Speaker, as you would recall, Mr Donoghue or Mrs Stevenson was shocked when, on pouring some ginger beer over her ice-cream, the partially decomposed body of a snail—

The SPEAKER: Attorney, you must know which was the plaintiff and which was the defendant, surely.

The Hon. J.R. RAU: Indeed. Here is another interesting fact, and I think the member for Bright might be able to help me with this: but in Scotland certainly at the time the plaintiff was known as the pursuer, not the plaintiff.

Mr Gardner: What year was it?

The Hon. J.R. RAU: 1932 appeal cases.

Ms Chapman: 18—go back a bit. You are about a century out.

The SPEAKER: And who is your neighbour?

The Hon. J.R. RAU: Indeed. Lord Aitken, I believe—

The SPEAKER: Atkin.

The Hon. J.R. RAU: —delivered the famous judgement—dictum, indeed—and it is about the foreseeability of harm to one's neighbour and how one should take reasonable care. But none of those things afflicts the Coroner because he has a completely different jurisdiction, which is to inquire into the causes of death.

The SPEAKER: Much-anticipated supplementary.

CORONIAL INVESTIGATIONS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:08): Yes, thank you. My question is to the Minister for Health. Given the minister has had the benefit of hearing that last answer, would the minister now explain to the house what information is being sought by the Coroner to be able to undertake his work as he claims is needed to do so, and what action has the minister taken to amend the Health Care Act to accommodate that, if anything?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:08): The information the Coroner has asked for and in fact took the Department for Health to the Supreme Court to try to access is root cause analysis. So, when there is an adverse event in one of our hospitals, our priority is to firstly determine the reason behind the adverse event and what lessons need to be learnt to make sure that they are not repeated.

The Health Care Act provides for these root cause analyses to be done in a privileged environment, so they cannot be provided to the Coroner, they cannot be used in any proceedings against any clinician and there are very, very good reasons for that. When there is an adverse event, it is very, very important that we quickly determine what the cause of that event is because we don't want it repeated.

That's the reason why we have those root cause analyses and that's why they are given special privileges by the parliament in the Health Care Act. This is a provision that has existed under both Labor and Liberal governments. It has always had very strong bipartisan support, and it is widely accepted as being part of good quality and safety protocols that you have in any health system. Similar provisions would operate interstate.

So, no, we won't be making amendments to the Health Care Act. I certainly do not propose to do that. If the Coroner has any concerns, anything that we would do we would not do on a unilateral basis. That would be something that I would want to do in line with updates to health and safety on a national basis, if we were to consider any changes, but certainly this is not something we would be tackling or dealing with on our own.

If you were to have a situation where these root cause analyses and what doctors may admit to in that environment, you will have a situation where they simply lawyer up and you get no information out of them and you have the normal rules of evidence and so on and rules about incriminating themselves. That would cause significant delay in getting to the heart of what the cause was of an adverse event. These provisions are widely recognised not just in South Australia but nationally as an important part of good quality health care.

Having said that, the Coroner is able to access practically every other piece of information with regard to a patient's care. He is able to access the patient's notes, he is able to call the clinicians who treated the patient before him—he has access to all of that information. This is simply one privileged process that doesn't go to the Coroner for very, very good reasons and well-established reasons that have operated right around the country and under both when either party has been sitting on the Treasury benches.

The SPEAKER: I am pleased to be able to tell the house that Mrs Donoghue drank the bottle of ginger beer and Mr Stevenson was the ginger beer manufacturer and that it is also known as the 'Paisley snail' case.

Grievance Debate

NAPLAN RESULTS

Mr GARDNER (Morialta) (15:12): It grieves me, in fact, to report that South Australia this week has not done as well as we should in our NAPLAN results. While the NAPLAN results cannot be used as a judge of a class or a teacher in an individual case, it is a signpost that says how an educational system is travelling. It is of sincere concern to the Liberal Party, the opposition in this state, that for six years now we have been travelling at the back of the class.

We have had the least positive results in NAPLAN for six years. In 19 out of the 20 categories measured—through the NAPLAN tests across years 3, 5, 7 and 9, in five categories each—South Australia has performed at below the national average. In fact, in 2016, in 10 of those 20 categories not only were we below the national average but we had the weakest results of all states in Australia. This is not something that has just happened once. This is not a blip on the radar in 2016 that has come out of nowhere and that we could not have seen coming.

This is the way it has been ever since the Premier, in fact, was the minister for education. In September 2010, when we had weak NAPLAN results then, it turned out that in 19 out of 20 categories, when we had results below the national standard, below the average, the Premier had an explanation and he had an answer that the current education minister is still rolling out today and was still rolling out on the television news last night. I am quoting from the Premier who was on Channel 7 news in September 2010:

> South Australia has a high number of students in lower socioeconomic status, so therefore one would expect us to be around the middle.

If only we in fact were at the middle rather than the bottom. The explanation itself is a disgrace. It is an excuse for lack of achievement. It is an excuse for poor governance, for poor policy settings and the mistakes of this Labor government.

Of course, we know that the Premier himself is the architect of this system of having Families in with the education department—a system that has proven to be catastrophic for child protection

and a failure for the education of our young people, as has been found by the royal commissioner who came out with interim measures a couple of months ago so that this could be removed as soon as possible. That is something that still has not happened, of course, as she is about to hand down her final report

The Premier who is the architect of the system is personally, in my view, to blame for much of the failures that have been as a result of this system. It is he who insisted on it. When all of the stakeholders were insisting that this was no good, and finally when the royal commissioner herself added her weight to it, all of the stakeholders, education unions, principals' authorities, public servants, and the opposition who took to the last election a policy that would have removed the families department from the education department, the Premier is the one who pig-headedly and stubbornly refused to have that removal happen.

NAPLAN results this year have continued to be a failure, but the opposition has policy settings that will help, and we ask the government to take these suggestions seriously because they are very important suggestions. They are positive agendas, they are things that we put forward in our *2036* document, and we think that the people of South Australia supported many of these policies at the last election, leading to 53 per cent of those people voting for this side of the house to be in government, and we urge the government to take them up.

I refer to things like removing Families from the education department, as they have committed to doing but as yet have not; things like giving principals more autonomy to have management of the schools, not just in ordering the budgets that are actually mostly constrained by the EBs that are handed down from above, but in fact by giving them the powers to make decisions that are necessary at their local level to get the best outcomes for their students.

We need to see year 7 moved into high school so that those year 7 and year 9 students sitting their NAPLAN can do so with the benefit of having had specialist and expert teachers in their subject areas as described by the Australian Curriculum. We need to see targeted plans to tackle truancy because kids cannot get a good education if they are not at school, so we need to see truancy taken much more seriously than has been done by the government over its period in office.

As we saw today, this government is the worst performing government in getting student teachers to sit literacy and numeracy tests. This is something that they have agreed to do as of 1 July this year but are refusing to implement so that so far only 8 per cent have sat the tests, unlike full cohorts in New South Wales and Victoria. The government needs to take positive action in this area.

LYELL MCEWIN HOSPITAL OPEN DAY

Ms BEDFORD (Florey) (15:17): Residents from the north and north-east of Adelaide were treated to a special behind-the-scenes look at their local hospital during an open day held at the Lyell McEwin Health Service on Saturday 18 June. The open day included tours of the hospital, information stalls, health demonstrations and a range of festivities, including a sausage sizzle, which I insisted upon and which did have wholemeal bread, and face painting for the children. Maps of the Lyell McEwin campus were handed out, and this is imperative because it is such a big campus now and so many people are not familiar with all the wonderful services that are available there.

Chief Executive of NALHN, Jackie Hanson, was on hand and led the tour I was on, showing the hospital and its wide range of medical, surgical and subspecialty services to the community. Her press release stated that the whole hospital has been modernised to make it more inviting and a better environment for patients to be treated in and recover. She went on to say there is now state-of-the-art equipment and purpose-built facilities to improve care. I would like to quote directly from the press release, which I think highlights the ethos of the South Australian health workers:

> The community seeks our services at times when they are in need, and with NALHN expected to service almost half a million South Australians by 2016-17, we are proud to be able to show the community through the completion of Lyell McEwin's $314 million redevelopment.

Staff of the Lyell McEwin, community members, groups and other local MPs were taken on guided tours during the open day of various areas of the hospital, including the purpose-built cancer centre, a women's and children's health hub and outpatients department. We were also given the chance to speak to clinicians about changes at the hospital.

The positive feedback from people who attended on that day was about how fantastic the facilities looked and the excellent care that was being provided to patients and their families. Mostly those living close to the hospital were in attendance on the tours, but others from all over the north-eastern suburbs and much further afield came along to see where severe acute care and emergency operations will be performed, as well as where we will be able to use the cardiac facilities, the cath labs—and there are soon to be two cath labs—the 24/7 orthopaedic care and so on.

The improvements at the Lyell McEwin are just amazing. In fact, by 2016-17, due to the population shifts towards the rapidly growing northern suburbs and the changes being made through Transforming Health, Lyell McEwin Hospital together with Modbury Hospital will service almost half a million South Australians. That is why this state government has exercised foresight by investing that money in the Lyell McEwin health services with significant expansion of both the physical and personnel of the site.

Almost doubling in size, there has been much change to the hospital in the past decade, transforming it into the major tertiary hospital for the north and north-eastern area. I last visited the Lyell McEwin on that open day and saw firsthand the clinical improvement initiatives being implemented through Transforming Health.

I saw a real sense of positivity and enthusiasm among the clinicians working there, and others on the tour, some of whom had already been at the hospital as patients themselves, had come back to have a look behind the scenes. Clinicians spoke to me of improvements and innovations that they are leading in a range of disciplines, backed up by evidence and data showing the impressive and positive outcomes for patients of both the Modbury and Lyell McEwin hospitals.

I have been involved in protecting and enhancing the reputation of the Modbury Hospital since moving to Modbury Heights to raise my family in 1976. Nothing has changed for me. I still have faith in the Modbury Hospital, its wonderful, dedicated, committed staff and this state's health system. I cannot believe the only things we ever hear are the negatives and hysterical claims about people being told to wear T-shirts saying they have survived treatment at the Modbury Hospital, indicating that that is actually an exception to the rule.

Most people who have been in the Modbury Hospital have positive stories to tell. I can tell you there are hundreds of positive stories at the Modbury Hospital every single day, from front-line accident and emergency presentations to the outpatients visits and the work of the Modbury Hospital volunteers and the foundation that largely go unsung. These people go about their work behind the scenes despite, and in face of, this current round of unfounded and overblown criticism.

I am proud of the Modbury Hospital and its place in the South Australian health system. Let's start to hear about some of the really great things that go on there and work on any of the adverse outcomes as part of the quality control of the whole of the health system of this state. No-one is shying away from anything that goes wrong. We want to be part of making sure things work. Let's start concentrating on supporting dedicated staff are a part of the positive health story that is part of this great state.

ROBERTSON, MS E.

Mr DULUK (Davenport) (15:22): Today, I rise to reflect on the life of a remarkable woman who had a love of nature and a passion to preserve it. Enid Lucy Robertson AM was born in 1925 and lived in Blackwood until her marriage in 1948. In 1966, Enid returned with her four children to Blackwood after the death of her husband, Dr Stirling Robertson. Enid Robertson was one of South Australia's best botanists and native bush managers. Sadly, Enid passed away on Sunday 10 July 2016.

I never had the opportunity to meet Enid; however, many constituents of mine who are involved in friends groups throughout the Mitcham Hills knew Enid well and recall her as a loyal friend and a passionate conservationist. Her contribution to the Mitcham Hills and South Australia will not be forgotten. Her family recall her as a systematic botanist who never retired and a bush restoration pioneer.

After graduating from the University of Adelaide, Enid worked at the Waite Institute and later for the university's botany department as a renowned expert in seagrasses and aquatic plants. A

successful and laudable career saw Enid's talent widely recognised around the state, which led to a ministerial appointment to the Native Vegetation Authority as the expert in botany, plant communities and native vegetation management.

Other distinguished appointments included to the National Trust of South Australia's nature preservation committee and also to the board of the Adelaide Botanic Gardens. These important roles lent Enid's guiding hand to preserve and enhance our natural environment. Although her retirement from paid work occurred in 1987, Enid still kept up a vigorous workload with volunteer groups, not-for-profit organisations and in advisory to local government. Starting in 1980 and for many years since, Enid held an esteemed volunteer position with Mitcham council on the Mitcham open space committee.

Enid's connection to the Mitcham Hills goes back generations. Her family farmed the area of Blackwood and the Mitcham Hills, today known as Watiparinga Reserve, which was given to the National Trust in 1957. Her grandfather, Edwin Ashby, was an enthusiastic naturalist, who developed a garden of native plants on his farm Wittunga in Blackwood. Keith Ashby, Enid's father, continued to develop the native garden his father had started and, in the spirit of true naturalism and generosity, gifted Wittunga to the state government in 1965.

Wittunga can still be visited today in my beautiful electorate of Davenport. I invite all members of this house to visit Wittunga Botanical Gardens this spring to see the lovely native garden grown and developed originally by Enid's family, and now the botanical gardens, over many decades. This spirit of generosity was very much the spirit of Enid Robertson too. Enid generously gave of her time and expertise to community groups, environmental groups and friends associations. After her official retirement, Enid quietly supported many students and young professionals where she saw their budding interest and love of ecology and native vegetation, and she was a mentor to so many students.

Enid's legacy as a pioneer will continue through the minimal disturbance technique that she developed through the Watiparinga National Trust Reserve. This technique, I am reliably informed, continues to be used by volunteers at Trees for Life. This week, I was touched by the gift of one of Enid's books, recently republished in 2010, from her son, David Robertson. This book, called *Restoration of Grassy Woodland*, wonderfully paints a splendid picture of Watiparinga Reserve and the tireless work undertaken by Enid and others to preserve this invaluable natural asset.

Enid's good works were not limited to conservation alone. Having been a lifelong member of the Religious Society of Friends, perhaps better known as the Quakers, Enid contributed to their numerous initiatives, particularly as trustee of the national Friends Fellowship of Healing Charitable Trust. Closer to home, Enid was uniquely placed to serve as patron of Blackwood High School's Ashby House for many years.

Enid's appointment as a Member of the Order of Australia in The Queen's Birthday honours of 1997 recognised what many in our community already knew, that she was a passionate advocate and leader in her field. The Mitcham Hills community and many others in the field of botany and native vegetation management will sorely feel the loss of Enid Robertson as a consummate professional, generous volunteer and dear friend to many.

Time expired.

JERVOIS STREET RESERVE

Ms DIGANCE (Elder) (15:27): Today, I rise to speak about an incredible, new and very welcome community reserve that has been created on the northern edge of my electorate, bordering on the boundary of my good friend from Ashford's electorate. It would appear that the Jervois Street Reserve has taken shape very quickly; however, it has been many years in the planning, and now, prior to the official opening, it is a vibrant hub of activity, rivalling any good park nearby and in fact anywhere in Adelaide.

The park I refer to is the Jervois Street Reserve, which began its journey a number of years ago when the City of Marion, along with local residents, identified a significant shortage of open space in the northern part of the City of Marion. Negotiations with Renewal SA and Housing SA

followed, and a parcel of land amounting to six allotments with street frontages on both Jervois Street and Waterhouse Road, South Plympton, came to fruition.

The council, with grant money from the state government, was able to purchase the land. The allotment is around 6,000 square metres and is not so far east from Marion Road and is easily accessed from either Jervois Street or Waterhouse Road, in a predominantly residential area. The property is also close to major transport routes, including Edwardstown Railway Station, and existing bikeways along Towers Terrace and Marion Road provide accessible links.

Once the land was purchased, the journey continued with the committed and amazing, diligent and passionate City of Marion council employees, as they conducted a thorough and engaging community consultation, seeking input from all in the local area on what they wanted in their park. Over time, a plan became apparent, with an amazing outdoor area welcoming to all ages coming into view. The City of Marion understands that outdoor space is pivotal to community and a platform for bringing together all ages to enjoy the outdoors and strengthen community.

The fence is now down and, with the official opening planned for late August, I expect the park will be well used in the interim. And why not, as there is something there for everyone. Jervois Street Reserve's open play space has a reassuring fenced junior playground area for smaller children. It has a great double slide that children ages one and over will love, which can be accessed by a Softfall climbing hill. There are abundant natural wood and rock climbing choices as well, and with the numerous variety of swings on hand, including a birds nest swing, a gated baby swing and regular swings, there is something for every age.

There are music drums, and a massive shaded sandpit complete with sand tables and attachments, for fun. There is a fun hill with a tunnel through it that children can pop out at one end through a caterpillar hole in a giant green apple, reminding us of the popular and well loved book, *The Very Hungry Caterpillar*. Just outside the fenced area is a netball ring and half-court basketball space which also doubles as a small scooter and skate area. A great feature is also the wooden rope climbing frame and a mini flying fox for those children who are a little older. Then, there is a table tennis table and built-in chess board, both of which require participants to bring their own equipment. These provide another dimension.

Also included in this reserve is a smooth track extending all the way around the reserve for running, walking and biking, with markings to measure your journey. Just behind the basketball court is a little mountain bike path that BMXers will love. This is a real community space and just one visit will tell you that it belongs to the community as you can see, experience and feel their commitment and passion by way of a variety of experiential spaces all colocated in sensitive harmony. I am pleased to have supported this project as well by lobbying for funds and being involved in the turning of the sod as the work began. Well done, City of Marion. Well done, residents and the broader community. Jervois Street Reserve is yours to share and enjoy. It is your jewel in the crown—congratulations.

KERNICH, MR J.

Mr KNOLL (Schubert) (15:32): On Monday morning, our community tragically lost a hardworking, well-respected member when fifth-generation farmer Jeff Kernich, who was carrying out his daily duties doing a job that he had done many times, had a freak accident on his farm, Carcoola, in Greenock. Jeff was a member of the Greenock CFS for over 40 years and was an active member of Greenock's St John's Lutheran Church, as well as previously being involved in the Greenock institute, park and community association committees. His family stated on their Jersey Fresh Facebook page:

> At 62, Jeff has packed so much into his life and we have been inundated with messages of love and offers of help from this community that he entrenched himself in. We are grateful for each and every offer and message and we apologise if we don't reply straight away.
>
> We will do our best to continue the legacy left by this great man as he instilled his passion for God, Family and Farming into us all.

He was affectionately known to his grandchildren as 'Grumpy' despite grumpy not being in his nature. Carcoola was established by Jeff and his parents Albert and Priscilla Kernich in May 1973. Prior to that, Jeff had worked for the Department of Agriculture as a herd tester. Jersey Fresh was started in

2004 when the deregulation of the dairy industry ended. It is a family oriented business, with wife Erica and children Amy, Paula, Lisa and Mark all working on the farm. They have 180 acres of farm which is landlocked by vineyard. According to Barossa Food, they produce around 1,400 litres of milk every day.

Just last week in an interview with the local newspaper, *The Leader*, with his characteristic cheeky smile Jeff said, 'We market it as the Barossa's best white. Gee, the grapegrowers love that!' As we approach the Royal Adelaide Show, in which they have been regularly exhibiting since 1982, I wish the Kernich family all the best during this difficult time. Jeff will no doubt be watching over you as you prepare to honour his legacy at the show.

Jeff was a guy I knew pretty well. He was a man who was extremely proud of the fact that he managed to take a dairy farm which was producing milk that was hardly delivering a return to his family and turning it into a diversified enterprise that supplied branded milk to locals in the Barossa. I think around 90 per cent of his production stayed in the Barossa. He was able to support not only his family but also his daughters and their families. That is something that gave him immense joy—the fact that he could keep all his family together and earn an income out of this one business.

Jeff was extremely passionate about the broader dairy industry and also about preserving that farming area as being distinct for farming. He was not far from the outskirts of Greenock, but certainly lived very much in harmony with his neighbours and, indeed, with the land. In fact, the last time I saw Jeff was at the Tanunda Show earlier this year. Jeff was on the microphone as the MC during the goat milking competition, when unsuspecting locals and a few local identities get up and try to milk goats and whoever gets the most milk wins. It is hilarious to watch, and this year was made all the more hilarious by Jeff's commentary. He certainly did not pull any punches in his comments about the conduct that was going on.

I remember Jeff very firmly as a man first and foremost proud about his family and his business. As someone who comes from a family business background, we both understood that these two things are intrinsically linked. He was extremely passionate about his community and his work in Greenock over many decades shows that not only was he an active and well-respected community member but that he was also a man who was very secure in his faith. As someone who I am sure was looking at a long life ahead of him watching his grandchildren grow up, he was certainly not expecting this to come along.

I hope he is resting peacefully and watching down on his family. I know that his faith will carry him through and hopefully he gets the rewards of that. On behalf of the Barossa community, I want to convey our thoughts and prayers to Jeff's wife of 36 years, Erica, and to their children, Amy, Paula, Lisa and Mark and their families, at this difficult time.

SPECIAL OLYMPICS SOUTH AUSTRALIA

Ms COOK (Fisher) (15:37): Today, I would like to talk about an amazing group of people from Special Olympics South Australia. This amazing organisation is dedicated to providing opportunities for our athletes with intellectual disabilities and enabling them to experience the joy of taking part in sport. The mission of Special Olympics is to use the power of sport to transform and enrich the lives of people with an intellectual disability, and I know a great many lives have been enriched through the fantastic challenges and the unique possibilities of sport.

Sport does have this incredible power that can unite us all in support of a team or an athlete and it is really apparent in the Special Olympics family. Across Australia, volunteers provide quality sports training to almost 4,000 athletes in more than 250 sporting clubs not just in metropolitan but in regional areas, too. In South Australia, committees have recently been established in Port Pirie, the Limestone Coast and the Riverland. On Friday 24 June, I had the privilege for the second year in a row of attending the wonderful annual Special Olympics SA awards night.

The night saw 130 guests celebrating and congratulating the success of the wonderful volunteers and athletes. Being the second year in a row I have been lucky enough to attend this night at the Adelaide Pavilion, I was really warmed by the fact that there were so many young people, coaches and supporters who came up to me in appreciation. In fact, a couple of the attendees were very excited to be able to get their photograph taken two years in a row. They are just a really warm and friendly bunch of people and I felt really welcomed.

This was a very special year also when we celebrated Special Olympics Australia's 40th anniversary and Special Olympics South Australia's 25th anniversary. It was fabulous to be one of the special guests, while representing the Minister for Disabilities and the Minister for Recreation and Sport. The member for Chaffey was also in attendance, along with Ms Nicole Swaine, a member of the national Special Olympics Board; Mr Chris Lemm, the deputy chair of Special Olympics Australia's Southern Zone Committee; and an amazing guy, Mr Jehad Rasheed, who is a committee member of the Southern Zone Committee, who works tirelessly to try to help raise the profile and assist with fundraising of Special Olympics.

The members of the Law Enforcement Torch Run Committee were there as well. The torch run helps to raise the profile and raise funds for Special Olympics. Obviously, they are our beautiful police. Also attending were Mr Nicholas Mihalaras, the CEO of Orana, and his guests; Ms Leanne Van Der Hoek, the chair of the Special Olympics Adelaide club; and representatives from the sports programs from all over South Australia. The real guests of honour were the athletes and volunteers and their families who attended.

It was great to be able to offer a big congratulations to all the nominees for awards, which were hotly contended. It is actually quite dangerous standing up at the front ready to hand them out because everybody runs for their award as they are so excited. It is just a fabulous night. The final winners included Michelle Oxford, who won the Bill Bowden Encouragement Award; the Coach of the Year Award went to Margaret Alexander; and the Volunteer of the Year was Maxine Bowden. The Glenda Edmonds Memorial Trophy was given to Andrew Waller and the Special Olympics Athlete of the Year Award was given to Joshua Morpeth. The Female Athlete of the Year was Mia Woods.

I am very proud to say the Male Athlete of the Year Award this year went to Andrew Tanner, who lives in my electorate in Aberfoyle Park. Andrew was born with two holes in his heart and, during the repair of these holes in specialist cardiac surgery, he suffered a stroke. It left him with an intellectual disability. Not only is he intellectually disabled but at the age of five he was also diagnosed with velocardiofacial syndrome, which is a genetic condition handed down from his father. On the advice of his speech therapist as a young lad, Andrew took up horse riding with Riding for the Disabled up at Blackwood.

Andrew is still with Riding for the Disabled, but of course he has moved up in the world, coming down the hill to Woodcroft. He recently visited my office with his mum to tell me about the challenges they have with the weather and their dreams for an indoor arena. He was the first male equestrian competitor for Australia at the Special Olympics, competing last year and bringing home gold. I look forward to visiting Andrew at one of his training sessions very soon and helping his team with some fundraising. I have promised to do that, and I can bet you he is going to hold me to it.

The Special Olympics crew really know how to celebrate. They show extraordinary mateship and comradery. I think we can all learn a lot from their spirit and their can-do attitude. I hope the athletes now in Rio take a little bit from that message.

Bills

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Conference

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

Consideration in committee of the recommendations of the conference.

The Hon. M.L.J. HAMILTON-SMITH: I move:

That the recommendations of the conference be agreed to.

Ms CHAPMAN: I am pleased that we have now received amendments from the Legislative Council, which have been the subject of a discussion between members of the House of Assembly and the Legislative Council and the deadlock committee. There were several meetings and the important resolution that was reached, which is now accommodated in the recommendations, is to do two things, essentially. The first is to deal with the confiscation of assets of drug dealers in a way

that is consistent with what happens in Western Australia and the Northern Territory and not progress a novel model of its own that the government put up three times and sought our support for.

The conference agreed that, if we followed the traditional model, if I could describe it that way—that is, via a court, rather than a new executive decision of the Director of Public Prosecutions—we would have a model which is tried and tested and which operates successfully in other jurisdictions. With that, the whole issue of having an executive determination, the need for a review and an appeal process became obsolete. The committee resolved that we would restore a confiscation of assets procedure through the traditional model, and the government agreed with that.

After three years, I tell you that that was welcome to my ears and, I am sure, welcome to other members of the committee on the Legislative Council, because the Legislative Council has been consistent in its presentation to us as the House Of Assembly that, if you have a process that results in the automatic confiscation or forfeiture of assets, not just of what you own but what you occupy, have control of, etc., then you must have a proper process to review it, especially to ensure that we have a release valve—an opportunity for someone who might be inadvertently caught up in the net of the world of a drug dealer to apply for the release of that asset.

It has happened in Western Australia, where a party allowed their house to be occupied by, I think, a grandson, from memory, who grew drugs and manufactured drugs in that property. As a result of confiscation laws, the house was taken and, of course, the grandparent in that case came forward to say, 'Well, look, I didn't know my grandson was involved in this activity. This is my asset and I'd like to have the opportunity to keep it.' It is important that we have that, and that has been accommodated in this amendment.

The second is an agreement that we reached to have annual reporting of how this operates—the number of persons, the number of restraining orders issued, the details of properties forfeited. It is still novel legislation, certainly in South Australia, although it is operating in other jurisdictions, and it is something that we as a parliament need to keep an eye on. The way we do that is to provide an annual report, just like we do for the number of covert surveillance operations by police officers and other types of information that we, as a parliament, need to know about and keep an eye on.

We have all sorts of other annual reporting outside the department's annual reports. I think one of them is the number of abortions or terminations per year. They are not always in relation to police activities or the capturing of criminal intelligence and the like. Sometimes, they are just other sensitive material which the parliament, from time to time, has asked to be reported annually. This is one of them, and I appreciate the Attorney-General's indication that he is willing for that to be provided.

It is fair to say that, in the operation of this legislation, from the government's point of view, we might have some good years and we might have some bad years. We might have two or three drug dealers who turn up and are prosecuted and convicted and their assets are confiscated, in which case the Attorney-General might get some multimillion dollar windfalls—we would hope, if we are going through this procedure—that will be available for the government to use. In other years, he might have nothing.

Of course, it was for the committee to determine, as well, the Hon. John Darley's original proposal to ensure that at least a portion of these funds be held for their application in rehabilitation programs for drug user victims. We had sought on our side of the political spectrum that the funds should be paid into the Victims of Crime Fund, which is a fund under the control of the Treasurer, who has application by statute, and generally administered by the Attorney-General. To resolve that issue, the committee considered these matters and it was ultimately agreed that the moneys would be paid into a fund to be described as a rehabilitation fund and that it would be used for rehabilitation generally.

The importance of that amendment is incorporated in the recommendations under amendment No. 3, clause 22, which essentially makes provision for:

> Attorney-General as additional government funding for the provision of programs and facilities, for the benefit of offenders, victims and other persons, that will further crime prevention and rehabilitation strategies.

So, instead of being a resources fund, which the government had initially proposed to make available for capital infrastructure, IT programs and things of that nature—a very broad base under the control of the Treasurer and the Attorney—the committee agreed that the application of these confiscated proceeds would be available at the Attorney-General's behest to be applied towards rehabilitation generally.

We as a committee accept that that may be to victims and/or perpetrators of crime but, importantly, the rehabilitation process is to be there. It does not have to be confined to drug offences or where there are drug victims, but victims of crime and perpetrators generally. We feel this is very important. It is certainly an area of high need in our community both in prison and out of prison, and we need to address that as best we can. In this case, this little goldmine of opportunity of funding will at least be targeted to the area of highest need and not be applied to things that would otherwise be met from the Courts Administration Authority or the Attorney-General's budget.

With those few words, it may be three years in coming, but I am delighted that finally the government has accepted the new process, the application of the funds and the annual reporting, all in a manner which the committee has maturely and responsibly considered. This will bring to a close a three-year chapter and I think the third time that the government has tried to push a line which was clearly not acceptable to the parliament.

I thank all members of the committee for their attendances, because there were multiple, and our secretary to the committee for their contribution. I should also thank Ms Aimee Travers from parliamentary counsel, who as always diligently and promptly attended to the amendments as required by the committee. I am sure if the Attorney were here he would also commend the members of the committee, Ms Travers and our wonderful secretary to the committee.

Mr Odenwalder: The Attorney is here.

Ms CHAPMAN: I am sorry. If he were able to speak to us today, I should say.

Mr ODENWALDER: I want to make a few short comments. The bill has in fact had a six-year history, not a three-year history, as far as I can reckon it. The bill in fact predates me in this place because it formed part of the 2010 serious crime election policy that the Labor Party took to the 2010—

An honourable member interjecting:

Mr ODENWALDER: Sorry. Yes, that's right, the policy formed part of that policy platform. The policy as it was then has obviously been through various transmutations since then, but it is worth going over a bit of the history of it. The original policy stated that the proposal will amend the Criminal Assets Confiscation Act to target persistent or high-level drug offenders to provide for total confiscation of the property of a declared drug trafficker.

As the deputy leader said, it has gone through various transformations for various reasons. I am pleased that it has in fact finally been settled on because we believe, and I believe the deputy leader believes, that confiscating the assets of serious drug dealers is the right thing to do. It has formed part of a suite of measures that this parliament has considered over the last six or so years in terms of serious and organised crime. It also some related legislation in terms of confiscation of assets and unexplained wealth, which all have their complexities. We have all finally agreed on the details.

I will go over a bit of the history just to put it in context. It was introduced into parliament in May 2011 and passed by this house in July 2011, but it was in the other place of course that the opposition and crossbenchers effectively made the policy inoperative, and so the bill was ultimately lost, and the parliament was prorogued at the end of 2011. The bill was reintroduced in February 2012, and the process was repeated. It appeared that the bill was going to be the subject of a deadlock conference, but for various reasons this did not happen.

A new bill, the prescribed drug offenders bill, was introduced on 16 October 2013. It was passed on the same day and moved to the Legislative Council on 18 October. The council moved that the second reading be deferred, effectively losing it because the state election fell in this period and parliament was of course prorogued again. The passage of the bill was thwarted, and so was

our 2010 election policy. In 2014, the Labor Party pledged to pursue it again and bankrupt what we called the Mr Bigs of the drug trade. I was certainly part of that strong law and order campaign we ran in 2014 and proud to be so.

The bill was again introduced into this house in May 2014, and it was passed on 18 June. It was passed with amendments by the Legislative Council in December, but then parliament was prorogued before this could be taken any further. The bill was again introduced and passed in this house in February 2015. The second reading commenced in March 2015. The bill was read a third time and passed by the other place, but then on 10 September this house was alerted to the position of the other place on this bill, which was unacceptable, and forced a deadlock conference. I will not go over what happened at the deadlock conference. I think the deputy leader covered that area very well.

However, I do want to put on the record the view of government and the Attorney-General that the cooperation of crossbenchers and the opposition to finally reach an overall correct outcome is welcomed. As the deputy leader said, much of the debate between the houses turned on various questions. First of all, she outlined the judicial oversight of the whole process, the annual reporting to parliament, which I think is important, and also questions of what and by whom it can be confiscated and where the confiscated assets or funds should sit, who can spend it and on what.

I think we came down obviously on the side of some very sensible suggestions, including the broad consensus that the money should be spent more broadly than just on drug rehabilitation, that it should be spent on rehabilitation generally for victims and perpetrators, so really giving the Attorney and the DPP some quite broad parameters with which to address the causes of crime. I congratulate all members and offices involved in this bill. I commend all involved for finding common ground. I do want to thank parliamentary counsel, Aimee Travers, for her help and her forbearance. I look forward to the speedy implementation of this bill.

Motion carried.

APPROPRIATION BILL 2016

Estimates Committees

Adjourned debate on motion:

That the proposed expenditures referred to Estimates Committees A and B be agreed to.

Mr GRIFFITHS (Goyder) (15:59): I actually enjoy estimates. I have been doing it now for a long time, as have many other people in this chamber. I find it enlightening from the viewpoint that the process allows any member to obtain information about how this state is managed. It is not just the financial implications of the policies, but what the detail of the policy is, so it is a lot of work. I completely understand that. I am a person who actually appreciates information, as are many other members.

While they are long hours, and it is a lot of review to get to a position to question a minister in detail about portfolio issues, and you have to know your own portfolio to be able to do that, it demonstrates the one time when collectively the most information exists among staff, ministers, opposition and, by association, the community at large, in the information gained about how the state is to be run over the next 12 months. It is an important exercise, and I am pleased that it takes place. It could be improved, no doubt about that. I like it when I see ministers who stand up and are confident in giving responses and who do not necessarily refer to long briefing papers because I think that is a mark of those who actually understand their brief.

In the two days that I sat in on estimate sessions, I had the opportunity to be with the Attorney-General and Minister for Planning. The deputy leader was questioning the Attorney quite strongly for a long time on a variety of areas. I am not sure whether the deputy leader is going to like this, but I sent a text to my wife saying that they were getting along swimmingly. It shows that when there is an attitude of respect and both possess the high level of understanding that they need to get information out, and each has an incisive mind that knows when to ask follow-up questions, information flows from members and ministers who actually have some knowledge on the area. It worked quite well.

It was interesting later that same afternoon when I came into this chamber and took part in the member for Stuart's questioning of the Minister for State Development. I am advised that there was a bit of tension in the room earlier that day and it flowed through to some degree in the conversation in there, not to the same level though. It just shows a bit of spirit. It reincarnated the position held by members who are no longer in this chamber when they came in and the level of arrogance they had when it came to answering questions.

I want to pay some respect to you, Deputy Speaker, in chairing the committee, and the member for Little Para in chairing committee B. It is a long time, I can appreciate, and it takes a high level of concentration. The member for Little Para is the person I sat with for a longer period, and I was grateful for the fact that when I asked questions on the local government area the member for Little Para gave me some leeway.

There has to be a connection back to the budget papers, and I said quite strongly at the very start that, because local government only had a page and a quarter in the budget papers in total, much of my questioning was going to be related to the lines at the very top which said that the Office of Local Government provides advice to the minister. I presumed that was on everything, so I thought there was a connection and it was allowed, so I am grateful for that.

I commend the shadows for the way they have asked the questions. It demonstrates that they want knowledge and because, by association, it will ensure that they are better placed in the short term to take over a ministerial role and know how their department operates and to be in a position to make recommendations on where improvements can be made, it is a worthwhile exercise.

To focus on the portfolio areas, the first one is planning. I questioned the areas initially focused on the planning legislation which has only just gone through, not only in this chamber in late November but also through the Legislative Council in March. It is an immense piece of legislation, with over 400 amendments; 208 of those were accepted; and it involved an enormous amount of negotiation.

While royal assent has been given to it, it has not yet come into force. I believe it was in May when assent was provided for it. My first question to the minister was: when does it actually come into play? He said to me that it depends, because more subsequent legislation has to come through there will be a timing for when that commences, and a timing when portions of the old Development Act of 1993 are removed. So, it becomes a situation where we have potentially two bits of legislation, one is an improvement on the other, but when does the second one come into force? The timing, implementation and how it is implemented are key.

The minister and I completely agree on the fact that the appointment of a commissioner is the vital part. The planning commission will undertake a significant role when it comes to the development of charters for community involvement, the design codes and every sort of rule on how things are to operate, and that is the key appointment to make. I must say that I was very disappointed to be advised by the minister in a question that he has not put a time frame in place for the appointment of a planning commissioner until March 2017.

Given that the legislation went through in March 2016, you have to question why it takes so long. Why is it taking so long? Indeed, they have not even advertise for the position. I have asked the minister if it is a matter of headhunting, a matter of identifying those who would have the skill set and experience to be able to do it, a matter of advertising or a matter of volunteers coming forward who might be considered, but still we have to wait for now some seven months before the end time frame is put on when an appointment is to be made.

Without that commissioner being in place, nothing else flows yet. The commissioner will be involved in the determination of who will be on the planning commission. The commissioner and the commission will be involved in the development of the charter, the design codes and the 43 different areas of regulations that will be developed under that piece of legislation, so why is that key appointment taking so long? That is where things have to occur.

The flow-on from that question was that the department controlled by the minister, on the basis of a significant additional workload being required to not just deal with planning matters as they have currently been arising under the 1993 act and development plan reviews that communities and

councils from across all of South Australia are desperate for in many cases but to design this new system and to put in place the collective knowledge of how it is going to operate, should involve more staff. I respect the fact there are going to be costs associated with this, and it is nearly $25 million over the four-year period of the forward estimates.

We then look at the fact that—I do not know if it is an efficiency dividend or what it is—the number of full-time equivalent staff within the department has gone down 134.7 to 130.9. I am not sure how hard the minister is going to crack the whip on things and how he is going to flog people to actually get the work output there, but I would have thought that more staff were required, particularly in these first two years or so, to get the information and positions in place for everything to work from there, but that is not the case.

The estimates session also made me very aware that, while I knew there was, as part of the budget papers, an intention for a levy to be charged to councils to assist in the recovery of the costs of the e-portal, which will be the electronic version of planning and how it will be dealt with, the minister for the first time has announced that it is going to be $4,000 per council, which is interesting, given that the value and the number of applications that each council deals with on a yearly basis is very different. The minister has seemingly determined to charge a flat fee.

The next question therefore became: how long is it intended that this fee be in place for? It is 13 years. The councils are going to be paying for this for 13 years, and that is on the basis of a cost recovery. I asked the minister if that included the cost of recovering the interest lost, of the payment up-front and the time to recover that, and the minister was not quite so sure on that question. So, that is going to be another cost upon local government imposed by a minister of the Crown that the local government, through either its association or individual councils, has not been involved in. The Minister for Local Government was seemingly not aware of it either, because I asked him a question yesterday in the estimates sessions with him.

Development fees are also going to be increased to assist in the recovery of the cost for the e-portal. I know the minister has a high-level group set up to deal with the implementation of this and that it does involve those from the development industry. Importantly, I put to him that it needs to involve not just those from local government but also those from community groups who provided feedback to all of us when it came to the debate on the legislation, but that will be an additional impost.

No detail could be provided on whether it is a percentage, a dollar figure or an additional transaction cost associated with each development application that might be received, but it will be interesting to see what that is because I think that is an example of something the minister and the government do not know yet. They have put in place a principle for what has to be collected, but do not know yet how to do it. I do not know if that is going to be part of the work that the commission and the commissioner does, or if that is going to be a decree made by government after they have seemingly had the time to consider what it needs to be.

I also spoke to the minister about the environmental and food protection areas. There is a significant difference of position between the Liberal Party and the government on that. We, the Liberal Party, do not support that. The government proposed it very strongly and managed to convince one member in the upper house to change their position from the first vote of being against to subsequently voting in support of it and getting it through by one.

Flowing on from that is the great challenge in getting land use conflicts that exist in agricultural areas sorted out. I asked questions about the negotiation that is occurring between PIRSA for Primary Industries and the Department of Planning: who takes the lead role? The minister tells me that, and I understand this completely, his staff are not experts in the agricultural pursuit—I completely understand that.

PIRSA, though, is supposed to be that group. PIRSA is also the group that should come up with what needs to be the policy to ensure that issues can be dealt with from a planning viewpoint so that you do not have a situation whereby a use occurs on an adjoining parcel of land from a broadacre area of land, but the practices that occur on that alternative use make it impossible for the management principles on the broadacre use to be undertaken.

It impacts on revenue, it impacts on equity, it impacts on viability, and it impacts on the long-term transfer to subsequent family members. The minister and I are both very aware of people who are impacted by this already. While retrospectivity is a challenging thing, politically, to deal with, there needs to be a set of rules in place so that it gives those who determine uses of land the knowledge on how they should be treating this and what issues they have to consider.

We also spoke about land supply and the 30-year plan. At last year's estimates the Minister for Planning talked about the 30-year plan starting 'soon', I think was the term used. Twelve months later it has not started. There were similar questions about it and the reply to me was 'within weeks'. I have asked for a briefing on that, hopefully in the week starting in the middle of August. The minister's staff nodded their heads to me, and I took that as a formal yes. It is an important issue and I know there are many people across our community and industry development groups who want to be involved in the negotiations and discussions about the 30-year plan and the review, given that the current one is five and a bit years old now, because it is an important area to get right.

It talks about population growth; it talks about housing starts. I was disappointed when the minister talked about the fact that the previous 30-year plan had a target of 8,500 new starts per year, when I have a very clear recollection of being told by the development industry that in past years they have desired it to be around about 10,000 new dwellings to be constructed per year. Even more so, I was frustrated by the fact that the minister referred to that, in the five years since the 30-year plan was implemented, they have done some reviews and the five-year average is as low as 7,420. I think that is symptomatic of the challenges that are faced in our construction industry when it is a significant number below what the real need is, from an industry perspective, for viability and profitability. It shows that there is a lack of demand. That is part of the economy. From the Liberal Party's perspective that is what we stand up and talk a lot about, is to make the economy work because that drives opportunities in all of these areas.

The next area in which I questioned a minister was the member for Frome, the Minister for Local Government. Even though I was asked by other committee members not to talk about rate capping, I did, because I think it is a key thing. In linking it back to the budget papers and the reference that the Office of Local Government provide to the minister, I asked: has the minister been advised on that? He said, yes, he had. I would love to see initiatives that the Office of Local Government and the minister have put forward in a legislative sense or a regulation sense or a policy viewpoint sense that helps ensure that cost-of-living issues are being dealt with, but it is not.

While I am critiqued by many on the basis of rate capping as something that local government does not like, I look at the fact that it is $1 billion in revenue per year and I need to ensure, and I believe the Liberal Party is strongly supportive of this, from a cost-of-living pressure that all families are dealing with, that all individuals are dealing with, that we do all we can to keep that cost-of-living pressure down. I think rate capping is a strong area of that, so it is something that will remain.

I asked the Minister for Local Government questions about his level of advocacy on behalf of councils and, by association therefore, communities when it came to things like increases in the natural resources management levy and the solid waste levy, and I did not refer to this but the emergency services levy from two years ago, and last year, also. That is, the example of the natural resources management levy and the solid waste levy, and particularly the solid waste levy where the decision was announced by the government before the state budget was released. I think the Treasurer and minister announced it on 29 or 30 June.

It impacted upon councils in particular because it is an additional cost that they have to pay when, in some cases, councils had already determined their budgets. Therefore, they are being charged for something else without being aware of it as part of their own budget deliberations. While I want councils to be efficient, I want information flow to occur with councils too. It disgusted and disappointed me in so many different ways. There was no level of contact about it and suddenly there was an implication of $64 million over the forward estimates, and councils were told, 'This is what you are paying.'

Local government has come out and said, quite rightly, that no review has been undertaken. There has been no consideration of how the solid waste levy works, or what level should be provided

for grants, initiatives and programs to actually reduce waste going into the waste stream. We just have additional costs, a significant amount of which goes to Treasury and disappears into the pit of funds to be used in a variety of areas.

I also asked the minister questions about local government boundary changes because he had flagged some time ago the intention to put in legislation on how to deal with that. The minister alluded to the fact that it was about to occur, and I appreciate that immediately after question time today the minister came to me and said it would be released today. There is an eight-week consultation period, then legislation will be tabled into the parliament probably around October, and then there will be subsequent debate on that.

I also asked questions of the minister about the community wastewater management schemes (CWMS) which are particularly important in outer suburban and regional areas. This is because there has been $4 million in funding available per year, but that funding, which I think is a nine-year agreement, expires 30 June next year. The minister had appointed a review group and he had signed a document with the president of the Local Government Association about that being undertaken.

I have not seen the report from the review group, which was meant to be completed by the end of July. The minister confirmed with me that he has that, and I hope the outcome actually gives councils the ability to ensure those funds continue. They do not pay for everything, but they certainly help in the investigative work that is undertaken for wastewater management schemes. They are important in many areas, and particularly in coastal areas, where the effluent discharge to the marine environment can potentially be quite harmful. I also asked the minister a question about the Street Renewal Program, but the minister did not know what I was talking about.

The Hon. L.A. Vlahos: That is a good one.

Mr GRIFFITHS: Other members are indicating that it is a good one, but it is $1.5 million to one council only, as I understand it. I have put in an FOI request on this, and I know one particular council which has received a benefit from it (the City of Tea Tree Gully), but I do not—

The Hon. L.A. Vlahos interjecting:

Mr GRIFFITHS: Well, it might be a slightly different program, but the one I am talking about is targeted to one area only, and that upsets me. The minister did not know about that one; no doubt he has a briefing now. I suppose it comes down to the level of frustration I felt about it, and it was symptomatic of the discussions about the solid waste levy and NRM levy, given the level of information the minister has—the briefings he is provided by his staff and the briefings he initiates to ensure that he is informed.

I will give you another example. There was some media scrutiny in InDaily in recent months about public street lighting. There were concerns about the Eastern Region Alliance and the collection of local governments that were intending to put out a contract. They had questions raised about that. The councils have gone through a prudential review twice and have decided to withdraw for the time being. I met with the acting CEO and chair of the Eastern Region Alliance and I really appreciate the information they provided. The minister had not been involved in a discussion with them, and I think that is an example of where councils are joining together on projects which will have a significant benefit, on the basis that it will one day come into fruition, but the minister needs to understand it too.

It shows, from my perspective, that portfolio responsibility does not just extend to the easy conversations. Portfolio responsibility has to extend to the difficult conversations where, in many cases, you are providing the community, service groups, organisations the department works with or departmental staff the real challenges of saying no, or 'That's not good enough; you have to improve,' or, 'Yes, that is fantastic.' It is a mixed bag and it cannot just be totally focused on the positive words that come from the minister.

My final message on this is to ensure that, from a local government perspective, the minister is involved in a fulsome way about the challenging subjects and not just the easy ones, and that the benefit as a whole is much better than it has been for the last two years.

Ms SANDERSON (Adelaide) (16:19): I rise today to respond to the estimates committee reports. This was my third estimates and certainly it was not as good as last year, I must say. I had child protection first, and that actually ran quite smoothly; however, we did find out some very distressing news in relation to all the figures. I certainly welcomed the government's transparency in releasing the figures now in a more timely manner. The figures that were generally reported in the Department for Education and Child Development annual report, which only came out about a month ago and had the figures for the previous year which is obviously seven months after they have happened, are now going to be available more readily, so I certainly welcome that initiative.

In relation to child protection, we found that there were 57,034 calls to the Child Abuse Report Line. That was up from 40,074 the previous year, or a 42 per cent increase in the number of calls. Unfortunately, of those calls, 26,733 remained unanswered, so only 30,301 calls were answered, which is only just over half and very similar to last year's figure of answered calls, despite the fact that 10 extra staff had been employed and the government has had a year to change their methods or policies in order to be more efficient with answering the calls.

We know that the waiting times almost doubled, from 20 minutes last year to 39 minutes this year, leaving many people on the line for hours and hours, who have rung my office, which is unacceptable. People from the community who are trying to do the right thing and report children they believe to be in danger are not getting through and they are waiting incredibly long periods of time. We know that eCARL, the electronic version of CARL, was up this year to 28,016 applications made, up from 18,613 the year before, which is a 50 per cent increase.

There is a backlog of 1,500 entries into eCARL. We know that eCARL reports are made only by mandatory reporters, and mandatory reporters know not to report minor incidents, such as a child without a sunhat or without their lunch, so these are serious concerns made by mandatory reporters, and there was a backlog going into the school holidays of 1,500. That is potentially 1,500 children who are right now living in danger because this government cannot get on top of its workload and staff its department properly.

We know that the number in state care is at an all-time record high of 3,234 children and young people, up from 2,838 the previous year, which is a 14 per cent increase. We know that residential care is up now to 289, up from 266, which we know pretty well must be at capacity because emergency accommodation is now averaging 190 children, which is just incredible, and they have an average stay—that is an average, not a maximum—of 157 days, with 156 of the children staying for more than 30 days.

Emergency accommodation is meant to be for an emergency and only for several days or maybe a week. We know that the average stay for children is over 157 days, that is, over five months, which is completely unacceptable. These are eight-hour shifts with different people working day and night in motel-type accommodation. We know that it is very distressing. It is not a suitable way to care for a child, and it is a sad indictment on this government to let it get to that rate. It is a huge increase from when they came into government 14 years ago.

We know that 45 parents now have been placed on income management since the Chloe Valentine inquest—that was a recommendation, so that is good to see the government using the legislation that is available to them—and that 912 parents were drug tested. However, whilst I welcome the fact that the government is finally using section 20(2) of the Children's Protection Act, there are no results. The government is not able to report on how many were positive, how many children were removed, how many went into drug and alcohol rehabilitation or what happens with these people. Testing is one thing, but testing and not actually doing anything is pretty well pointless if you are leaving the children still in their care.

We know that it was a very disappointing estimates for child protection, with really no good news. There were two lots of spending in child protection announced in the budget; one was $1 million to employ six staff to implement the findings of the royal commission, which clearly will not be enough. There needs to be millions of dollars, I would expect, in order to implement what will be, I believe, quite a lengthy and extensive list of recommendations from Commissioner Nyland.

We know also that, despite staff being overwhelmed and overworked—and there are endless reports to many of our electorate offices of staff who are not coping with too big a workload—instead

of putting the money into the staff and staffing levels, the government could find $15 million to merge three offices (Elizabeth, Salisbury and Gawler) into a mega office, spending $15 million to build that. We also know that the government's own backbencher already has spoken out against that idea, along with this being questioned by every non-government organisation involved in child protection I have spoken to.

I do not know where the government comes up with their ideas; they just make an announcement. Perhaps they needed to show that they were doing something as a bit of a distraction, 'Let's announce $15 million so that people will focus on that, as if we are doing something for child protection.' Yet now, in estimates, the minister has already stated that they are relooking at that policy—it is two weeks old now, so it is definitely time to relook at it—and that they will wait to see what the royal commissioner has to say.

I question why they did not wait for the royal commissioner to have her say before announcing a $15 million capital work. It just seems crazy because the government has been unable to announce anything else, including a children's commissioner, for the last two years on the basis that they are waiting for the royal commissioner's findings, yet they can somehow announce $15 million. That takes me to minister Bettison. While not the area of questioning I was working on, certainly a highlight I read in *Hansard* was the replacement of the CARTS information program, which was to be CASIS, which I think everyone in this house knows a lot about.

CASIS was originally budgeted at $600,000 but has ended up costing over $7 million to then be dropped, so it is not even going to be used after $7 million has been spent. The new program is now called COLIN, which was budgeted at $2.2 million, and we find now in the budget an extra $1.4 million has been added, plus $800,000 for ongoing support costs. So far, $11.4 million has been spent for the program that will enable the cost-of-living concession to go out.

We know that, even after that $11.4 million, the files are being reviewed manually because something like 4,000 people who are dead received the cost-of-living concession, which is just crazy. After all that money, the government is actually having to check their own work manually after spending endless millions of dollars of taxpayers' money. We know, from Housing SA estimates, that debt has blown out to an all-time high of $28.532 million, so that is $3 million up from last year, which is incredible and really shocking.

Last year, that debt level also rose by $3 million, but in previous years it was usually increasing by around $1 million. The fact that it is increasing at all is terrible because they should be recovering money from past debts that should be equalising out any new debts. Even worse, the minister spent about five or 10 minutes explaining all the debt reduction programs they have put in place and the fact that they even have a team and they are doing all of these things, but clearly they are not working.

I think this government has run out of ideas and does not really know how to manage anything. Perhaps somebody with some business background might know that every dollar counts. If it was your own money, you would certainly not let your debt levels get to $28.53 million or you would definitely be out of business. If you were the CEO who oversaw the last year and you put extra money into all these teams on debt reduction, yet your debt blew out by a further $3 million, I do not think you would have a job.

In that debt, 8,201 people who are non-tenants still owe money and 8,686 are still current tenants. We know that the debt payment amount has risen from $10 to a maximum of $15. Thirty-one per cent of people owe over $1,000 and I assume those amounts under $1,000 are probably significant amounts. To pay off $1,000 at $10 a week would take 100 weeks, which is almost two years. At this rate, the interest on the debt is probably higher than the amount of debt being recovered.

We found out in estimates that 23 per cent of Housing SA tenants owe debts to Housing SA. We also know that the government continues to be very tricky with its wording and makes sure that it changes names of departments and how it records things. For a person like me who loves tables and spreadsheets, when the government changes the name of everything every year and uses unusual terms, it is very difficult to keep track of the money. However, we did find out that what used

to be called debt that has been waived—which was $5.346 million last year and is $5 million again this year—is not called waived. They are calling it 'written off, yet reinstatable debt'.

Then, we have 'written-off debt that is not reinstatable', which just used to be called written-off debt, which is the accounting term. Last year, that was $1.2 million. That has almost doubled to $2 million—debt that is written off that we will never get back. We also have the term 'reinstated debt'. All of the colleagues I used to work with in the accounting world have never heard of such a concept as reinstating your debt. However, this government has reinstated $5.35 million in outstanding debt which, hopefully, we can recover. It would be terrific if that was at all possible.

We also found out in estimates that the number of people on the Housing SA waiting list is up to 20,974, with category 1 at an all-time high of 3,534. That is up from 3,368 this time last year. That is a big jump and they are our most needy. People in category 1 are our most vulnerable people. People with mental health issues, people fleeing domestic violence, people with disabilities, and the aged or frail would be in category 1, so they are in desperate need of urgent housing.

In total, the Housing SA waiting list went down by 216, which is certainly in the right direction and I welcome that. However, at that rate, it would take 100 years to clear the waiting list, so it is certainly not good enough. It would take 17 years at that rate just to clear the emergency category 1 people, which is not good enough. Stocks of Housing SA were going down by about 2,000 every year and that is not including the stock that is being transferred, so that must, I assume, relate to stock that has actually been sold. The number of houses is diminishing.

Another disappointing factor that has been revealed recently is that the $588 million that was announced for capital works in housing will equate to zero extra houses available for people on the Housing SA waiting list. The 1,000 Homes in 1,000 Days program, particularly, sounded like 1,000 extra people might get houses. They do not. The money is actually being used from the Housing Trust's liquid accounts—their backup account. One thousand people who are already housed by Housing SA will be moved into the new houses, and their houses will then be sold in order to get that buffer back up in the Housing Trust's account.

Unfortunately, not a single extra person from the 20,000-plus people on the waiting list will be housed as a result of the capital works and the 1,000 homes in 1,000 days. I welcome the fact that those 1,000 homes will be suitable for people with disabilities and that they will be more suited to the demographic of the people living there. However, I do need to point out that we do have a huge waiting list of people on the Housing Trust waiting list, particularly those who are most vulnerable on category 1. They need to be housed and they cannot wait years and years and years in order for that to happen.

We also found that the government applied to SACAT for 213 evictions and only 48 per cent of those were upheld, which equates to 103 people being evicted. The government has a three strikes policy and a one strike policy, which we can see is quite ineffective, in that only 48 per cent of those evictions were actually upheld.

That brings me to volunteering and youth, which come under the same area. What has happened this year is that multicultural, youth and volunteers have been combined, so the FTEs from those three portfolios were removed and combined into another area, and the income was then missing from volunteers. It was impossible to compare what had happened to the FTEs, what had happened to the income and what had happened to the expenses, because some of the expenses were the staffing costs that went across, yet in some instances, even though the staff had gone across, the expenses had gone up. The minister was unable to explain what had happened.

When it comes to multicultural, youth and volunteers, certainly the stakeholders in those areas are questioning why they have been put together and whether that will mean there is a lack of focus on their very important areas because they are combined. There was a 55.1 per cent increase of FTEs for those three being combined and the minister said, 'That's because there is another area that has been combined in that, which is the policy and community.' I looked that up and from the previous year all the numbers have changed.

Last year, there was an office for the northern suburbs, an office for the southern suburbs and an affordable living program included in that. This year, the status of women has been included,

and policy and community development. So it is completely impossible to compare the FTEs and work out how many work in what area, which is what the stakeholders were wanting me to establish: how many people are really working on youth policy? How many people are really working on volunteering and what are they doing? The way this has all been merged, it is impossible to work out what exactly is happening and how those communities are being supported.

In volunteering, YACSA said from their surveying of youth that the number one most important thing they are concerned about is unemployment. With all of the programs that the government is running, in my opinion the most important program for youth was the Successful Transitions program. That is the program that is about mentoring. We found out in estimates that 177 young people participated. There were 255 referred to the program—I am not sure how the referrals are done—but only 177 of those actually participated.

Unfortunately, the minister could not tell me how many of those 177 gained employment and what type of employment because we know that we have an underemployment issue as well in our state. I did ask for a breakdown of the full time, part time and casual people who were employed as a result of that program. I could pretty well read my quotes from last year:

> This government remains incompetent at running a state, devoid of ideas to improve the state and hopelessly lurching from disaster to ill-conceived kneejerk reactions to save face, cover up or distract, such as…

Last year it was the time zone and this year it has been the driverless cars.

> It continues to blame the federal government for everything, despite being in government for 13 years, over which time it has brought this state to its knees.

We know that we have the highest power prices, the highest unemployment crisis, the highest office vacancy rate in Adelaide since 1999, the highest Housing SA debt levels, the highest number of children in out-of-home care, below the national average results in 19 out of 20 test categories, emergency accommodation stays of greater than five months and the worst hospital emergency waiting times in Australia. The government is also looking at selling the land services division, which is also opposed by its own backbench.

Time expired.

Mr DULUK (Davenport) (16:40): I rise today to also speak on the Appropriation Bill reports to estimates committees. Last week, I read an article following the first day of estimates proceedings. It is fair to say that the author was not too impressed with the process, questioning the rationale for estimates, stating:

> The Groundhog day familiarity of the Estimates treadmill…leads inevitably to the annual observations that the system needs an overhaul.

No-one likes estimates—not the ministers, not the advisers, not the media and not even the opposition. I beg to differ because I love estimates, and I, as the—

The Hon. L.A. Vlahos interjecting:

Mr DULUK: I loved being able to—

The DEPUTY SPEAKER: Ambulance, ambulance!

Mr DULUK: I love estimates—it is the inner accountant in me. As the member for Schubert referred to in his contribution, I think between us we sat on 44 estimates committees. It is actually a very interesting process, and it is actually a very important process. It is an important process that is critical to our parliamentary proceedings. It is an important process, and whether or not it is entertaining to the media or whether it is too burdensome for ministers and their staff is not really the responsibility or the concern of the parliament.

As, Deputy Speaker, you and I were just having a conversation offline, parliament is sovereign, and our responsibility as a parliament is to the people of South Australia. As parliamentarians, especially here in the lower house where government is formed, our responsibility as members of parliament is to keep the government honest. Budget estimates is an opportunity for the parliament to scrutinise ministers and their agencies about the decisions they have made on behalf of the people of South Australia.

To question ministers on the way they have chosen to spend taxpayer funds and the way they have chosen to raise those funds in the first instance is an opportunity to scrutinise the government's expenditure and performance as well as the effectiveness of ministers and their agencies. To me, it is an integral part of accountability and transparency of the wheels of government in South Australia. Perhaps sometimes parliament does not use estimates to its full opportunity. Opposition members certainly ask the government the tough questions.

Perhaps, though, to make parliament a more efficient and a more effective tool of scrutiny, government backbenchers could also scrutinise government ministers and really be representatives of the parliament and of their electorates, instead of providing Dorothy Dixers to some ministers to protect them from the questioning of the opposition. Beginning last Thursday at 9am on day one with the Attorney-General and concluding last night at 5.30pm with the Minister for Mental Health and Substance Abuse, I certainly did enjoy my estimates process.

In between last Thursday and yesterday afternoon, there have been many hours spent exploring much of the content of the budget papers but also much of what was not in the budget papers. I would like to take this opportunity this afternoon to thank the ministers for their contributions. I would especially like to thank the many departmental and agency staff for their time and candour as well. You certainly get to know the feeling of which ministers are controlled by the department and which ministers control their department.

I would also like to take this opportunity to outline what we learned or, perhaps more meaningfully, what we did not learn from the estimates proceedings. The budget papers told us that this government will introduce a $50 million South Australian Venture Capital Fund to partner with private sector financiers to support innovation and help build high-growth companies in South Australia—a very noble policy position—with $750,000 allocated to the 2016-17 budget and through the forward estimates for administration costs of this Venture Capital Fund.

Naturally, being such a big ticket item and a key plank of the Treasurer's initiatives to support innovation and develop future industries, the opposition was keen and eager to know more about the Venture Capital Fund. In fact, I flagged last week in my budget reply speech that I would be seeking details around the fund, the source of the funds, its governance, management and the investment process.

One week on, and having gone through estimates, what do I know now? I know that the funds manager is yet to be determined. I know that the types of projects that will qualify for funding are yet to be determined. I know that the governance structure is yet to be determined. I know that FTEs are yet to be determined. I also know that the forecast of high-growth companies is yet to be determined. What can be determined, though, is that the Treasurer does not know how the $750,000 appropriation for the administration cost was determined. He and his advisers will do 'the very best to estimate what we think it will cost'.

One thing is for sure, and the one thing that the Treasurer was certain of, is that the taxpayer exposure under this $50 million fund will be a lot and the taxpayers will be exposed to the investments of the government. So, yes, we could indeed lose the lot was an answer that the Treasurer provided in his estimates. That was on Monday. This is only my second estimates and I know there are many more people who have gone through a lot more process than I have, but I find it very interesting.

I think the leader was on a roll against the Treasurer last week. The Treasurer knew so much on so many topics and then suddenly had to take advice on so many other matters, even though they were closely related. The decision that the executive, or the ministers, choose to provide information to the parliament and ultimately to the people on the decisions they make is probably one part of estimates which is lacking.

I was very pleased to see that as part of the STEM funding announcement by the government that there would be a $2.5 million funding injection for STEM to Blackwood High School, which is in my electorate of Devonport. I was eager, as I am sure the staff and students of Blackwood High School are, to know more about the allocation of this funding and the time line of when any capital works would be completed. I would like to thank the minister for answering my questions and enlightening me.

I know that, wait for it, it is yet to be determined in terms of how that $2.5 million will be spent. The government has made an announcement, allocated funding but is unable to provide any detail on which schools will be in the first tranche of funding or how the funds will be spent. In response to my question, the minister stated:

> Part of the process that we are working through at the moment is which schools are in the first tranche and, of course, also working with them about how they best spend that money.

I need to highlight that last part about how the school best spend that money. That sum of $2.5 million is a lot of taxpayer money to be allocated to one school, and I know the school community in Blackwood is very grateful and the funding is extremely welcome. However, surely it makes good economic sense to base that amount of funding around some type of plan, some type of data modelling, some type of needs allocation.

The $250 million STEM funding is aimed at increasing the number of students in both primary and secondary schools who choose STEM subjects—a very noble goal. So, I asked: what is the government's target in how many additional students the government is hoping will choose STEM subjects because of the investment? Essentially, we want to know what the return to this state on the $250 million investment we are expecting. The answer: 'we have not articulated that target yet.' Certainly it is a policy that we support on this side of the house, and I note the shadow minister for education is in the chamber this afternoon. It is a good policy, but let's have some targets around it.

Let's see what it is trying to achieve. Let's see how we can benchmark it, and let's also see, once the policy is implemented, once $250 million of taxpayer money is spent, how we come back in several years time and evaluate if that was a good use of taxpayer money. This type of analysis should be provided through the estimates committee so that, as a parliament and as a people, we can judge if the government is acting in the best interests of the people and is accountable for its decisions, so ultimately the people then can pass verdict on the government. As we know, it is very important for the people of South Australia, Australia and all across the world to have a belief that the institutions that serve them serve them well and serve their best interests. So, I found that quite interesting.

As I said, and I will not take up the house's time for too long, I sat through quite a few estimates hearings, and you certainly know which ministers are the performing ministers in the government and which ministers choose longwinded opening statements. I have to acknowledge the Minister for Mental Health and Substance Abuse, who did not make an opening statement or take any government questions. She sat in the committee, she fronted the music and she performed to the best of her abilities in that regard, but that cannot be said of all ministers.

I do not want to steal the thunder of the member for Schubert, but I think we both had the same experience when we were in the committee with the Minister for Sustainability, Environment and Conservation. I have never heard a more longwinded opening statement from a minister in the five days of estimates. Minister Hunter, in his committee, also probably took the most amount of Dorothy Dixers as well. What was quite enlightening though was that the Dorothy Dixers that he took when I was in committee were from the former environment minister, the member for Colton. I think, within the Dorothy Dixer, the member for Colton knew more about the answer than the minister did at the time.

One thing that struck me in that committee as well, and given that I think that portfolio of sustainability, environment and conservation is meant to be setting the environmental agenda for the state and looking forward to how the city of Adelaide and South Australia can be a carbon-neutral city, was how much paper the advisers in that department and the minister had. They were very well organised and, I assume, very well-briefed.

It occurred to me that I was sitting there in the 21st century. There is no reason why all of that paperwork cannot be uploaded onto an iPad with an index to all of the perceived answers that will be provided, not that any answers were actually provided in that committee. There is no reason why the minister and his advisers and team could not have all of the data easily accessible on an iPad with an index that can be easily returned to.

The technology is there so, for next year, I would probably like to see us, starting in that department anyway, moving to a paperless estimates, which would be very novel. Even with the way

we sign in an out of estimates, we could trial a paperless estimates where we just type our name into an iPad and use an electronic signature, Deputy Speaker—

The DEPUTY SPEAKER: Microchip your wrist.

Mr DULUK: —to sign in and out as well. It would save the whips countless hours of signing pre-estimates to get along. Another one of the estimates which I unfortunately could not sit in on was the transport and infrastructure estimates committee. I looked at the transport and infrastructure budget very closely because it is a very exciting budget, and I think transport and infrastructure is a key budget for economic growth in this state.

One thing that struck me that was not in the budget was any funding from the state Labor government for the upgrade of the Oaklands crossing. We had the Premier in the chamber today in question time talking about how the state government is getting right behind Oaklands crossing, which is a most noble project indeed and one that will benefit many commuters. It will benefit commuters in the seats of the member for Elder, the member for Bright, the member for Mitchell and those in the inner south.

There was not a single dollar in this year's state budget for the Oaklands crossing. The member for Elder and the Premier were out at the crossing, I think on Monday of last week, and then the Premier again today, in his contribution to the house, was right behind this project, yet there was not a single dollar in the budget, not a scoping study nor any plan on how the state Labor government will be investing in the Oaklands crossing. The federal government has $40 million on the table, thanks to the new member for Boothby and her work during the federal election, but there is not a single dollar yet from the state Labor government.

So, I look forward to, in next year's state budget, seeing the line item for the Oaklands crossing from the state Labor government if they are serious about that funding project. Some of the other departments were telling as well, in terms of the attention that they have within government and their effectiveness as well. I would like to talk a little bit about a portfolio issue that is close to my heart and that I have a strong interest in, and that is around mental health and substance abuse, which of course was in the budget estimates yesterday.

One thing we did learn from this year's budget is about activity indicators. We have seen almost a 30 per cent increase in the number of drug diversions recorded, as well as a significant increase in drug driver detections. It was very disappointing to have the police commissioner confirm, in his contribution to estimates on Monday, that 'there is an increased incidence of the presence of illicit substances within the community'. This is particularly disappointing given that we are in the final year of the government's five-year Alcohol and Other Drug Strategy.

It is even more alarming that the Minister for Mental Health and Substance Abuse believes the strategy has been largely successful, despite the police commissioner's comments. As we saw in the budget, drug driver detections are up and drug diversions are up. The National Ice Taskforce report found that South Australia has the second highest rate of ice usage in the country and that usage in this state is above that average.

In today's paper there was another report on drug use in South Australia. The 2013 National Drug Strategy Household Survey detailed report notes that illicit use of any drug by people aged 14 years and older has increased steadily since 2007, yet the minister considers the five-year strategy to have been successful.

The Hon. L.A. Vlahos: Stats, damn stats!

Mr DULUK: Yes, indeed. I may share some of her enthusiasm in terms of selected KPIs being met, if only I was able to read the 2015 annual progress report that the minister says she is sitting on, but eight months into the year it has not been made publicly available. But, minister, once you have moved it onto your desk, I look forward to reading it in this house.

The minister was also able to confirm—and this is, I suppose, a process of estimates that I do like, or the irony in it—that South Australia received $20.104 million in commonwealth government payments in 2015-16 under the National Partnership Agreement relating to mental health. Indeed, the minister had this figure on the tip of her tongue, but just as you would expect, given that she has

been passing the buck on all mental health funding responsibilities for months now, in the media, in the house, and at question time, every failing in the mental health sphere has been, according to the minister, the fault of the commonwealth government.

This is despite the fact that the National Partnership Agreement was always due to expire and despite the fact that the commonwealth government has committed to a reorganisation of health funding under the new Primary Health Networks model, a model supported by the National Mental Health Commission. What really surprised me was not how quickly the minister spat out the amount of commonwealth funding South Australia was to receive under the agreement, it was that she could not answer the following question:

> How much did the state co-contribute to mental health services under the National Partnership Agreement [in 2015-16]?

There was no answer on the amount the state contributed under the agreement. The minister did not know how much the state government was making under the National Partnership Agreement, her own portfolio, her own position, but she certainly knew what the commonwealth government was providing.

That is the estimates process that always highlights to me how ministers are so knowledgeable in some areas of the department but in other areas they are not. That question was taken on notice and I look forward to receiving that response from the minister. I just hope I do not have to wait until July 2017, as was the case with the planning minister, who took about eight months to reply to questions that I raised in last year's budget estimates. I do not have much time left—around two minutes—

The DEPUTY SPEAKER: Less than that, really; it is nearly 5 o'clock.

Mr DULUK: Going through the estimates process, one thing that came to me was around the portfolios within DSD around small business and job creation. The Treasurer is responsible, the Minister for Small Business is responsible, the Minister for Science and Information Technology is responsible, the Minister for Manufacturing and Innovation is responsible, and the Minister for Employment is also responsible for this portfolio. They are all different ministers, and in each estimates committee they all said, 'That part of small business employment is not my portfolio area, that belongs to another minister. Ask that in estimates.'

When it comes to small business, job creation and unemployment in this state, not a single minister in a single department wants to take any responsibility for any budget item with regard to helping small business and dealing with unemployment in South Australia.

Sitting extended beyond 17:00 on motion of Hon. L.A. Vlahos.

The Hon. T.R. KENYON (Newland) (17:01): I shall not be long but I would like to very briefly make a few comments on the bill before us. A number of members opposite have made comments about the extraordinarily large number of government questions that were asked during the course of the estimates proceedings. This prompted some of us to look back over time and see how that might compare with the last year of the Liberal government or even with last year (2015) with our government and how we might have performed.

I have a few statistics for the interest of the house. If we look at the last estimates of the former Liberal government in 2001, we know of the 15 Liberal ministers who appeared before those estimates there are only two former Liberal ministers currently in the parliament: the Hon. Rob Lucas in another place and the Hon. Robert Brokenshire in another place, who is now a member of Family First. If we look at the *Hansard* from the 2001 estimates, we can see that there are a far greater number of government questions taking up estimates and reducing the number of questions that could be asked by opposition members.

In recent years, we have seen a reduction in the number of government questions, and we have also seen far more time and far more questions from the opposition. If we look at the estimates of the Hon. Rob Lucas when he was Treasurer in 2001, he received some might guess maybe 10 government questions and supplementary questions. No. Was it 20? No, it was not 20. Was it 30? Yes, it was in fact 30 government questions in his last estimates in 2001. That is just the Hon. Rob Lucas—

Mr Gardner interjecting:

The DEPUTY SPEAKER: Order!

The Hon. T.R. KENYON: That is 30 just for the Hon. Rob Lucas in 2001. Former premier John Olsen received 21 government questions and supplementary questions in estimates in 2001. Diana Laidlaw, the former minister for transport, well known for her hard work on the one-way Southern Expressway, was asked 34 government questions. We should have a little bit of balance and give credit to a number of former Liberal ministers who received very few: Robert Lawson, none; Rob Kerin, three; Mark Brindal, five. It was not all bad back then. Again, we can see the variability via minister.

In 2001, the Liberal government received about 210 government questions during the period of estimates—210. If we look at last year's estimates (2015), the current government received 80 government questions. In other words, the number of government questions received in 2001 was almost three times as many as in 2015. How did we go this year? The number of government questions received this year in estimates, according to *Hansard*, was about 35—35 government questions in total—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. T.R. KENYON: It is my advice that the government received 35 government questions in total, which is less than half the number of last year's estimates. In other words, the former Liberal government in 2001, in estimates, received six times as many government questions as the current government this year. As I said to you, I think if there had been fewer government questions over time we would see the opposition had had the opportunity to ask more questions of a particular minister.

I will have a quick look at 2001 again, with the Hon. Rob Lucas, former treasurer, the opposition had the opportunity to ask about 70 questions. So, in 2001—

Mr Gardner interjecting:

The DEPUTY SPEAKER: Order!

The Hon. T.R. KENYON: —the opposition was able to ask 70 questions of the Hon. Rob Lucas in six hours of examinations. You might think that is a fair number and you would be right. During this year's estimates, the current Treasurer was asked more than 120 questions in just two hours. In the first two hours of his estimates questions, he was asked more than 120 questions, compared to 70 over six hours with the Hon. Rob Lucas in his last time in estimates. The opposition, the Leader of the Opposition and the members opposite may not have liked some of the answers that they received, but they certainly got a lot more opportunity—

Mr Gardner: They weren't answers.

The DEPUTY SPEAKER: Sit down, member for Newland. The member for Morialta is already on his second warning. I do not really mind if you do not want to stay for the rest of the day, but it would be unfortunate for you to miss all that the member for Newland wants to share with us.

Mr Gardner: But the member for Newland is enjoying it.

The DEPUTY SPEAKER: Don't do it.

The Hon. T.R. KENYON: I just think—

Mr Duluk: It's not about the government, it's about parliament, member.

The DEPUTY SPEAKER: The member for Davenport can have his first warning.

The Hon. T.R. KENYON: The member for Davenport was not anywhere near here when these questions were being asked.

The Hon. P. Caica interjecting:

The DEPUTY SPEAKER: And you can have yours too.

The Hon. T.R. KENYON: He was lucky to be at primary school, I suspect, in 2001. While I very much value the opinion of the member for Davenport on many things, I do not on this particular one because the stats show very clearly that the opposition is over-egging its complaints in this case.

Motion carried.

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (17:07): I move:

That the remainder of the bill be agreed to.

Motion carried.

Third Reading

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (17:07): I move:

This this bill be now read a third time.

Mr GARDNER (Morialta) (17:07): Can I speak to this?

The DEPUTY SPEAKER: Is that necessary?

Mr GARDNER: I think it is because there are matters that have been raised in the second readings and the estimates responses that deserve response.

The DEPUTY SPEAKER: Off you go. If this is frivolous—

Mr GARDNER: I think the casual reader of *Hansard* deserves to have a full understanding of the facts as they are presented and, as the member for Newland sought to have the last word in the estimates response, this is the opportunity to respond thus.

The opposition is pleased that the Appropriation Bill will be passing and it is very important, of course, that our public servants have the opportunity to be paid over the coming months and up until the end of the financial year for the work that they do. That said, in reflecting on the manner of the debate, the member for Newland has raised many issues and the casual reader of *Hansard* should understand a certain number of context matters.

The first is that complaints made by many members of the opposition about the time allocated for questions this year being reduced in certain areas and being reduced in many ways was met by a barrage of claims on Twitter by the ALP that somehow they had given up government questions this year and that was why it was okay that questions had been reduced. Thirty-five questions—it is all about context, member for Newland.

When the Treasurer answers, as you said, 100-odd questions, allegedly, I urge the reader of *Hansard* to go and have a look at that debate and have a look at the way in which those answers were disrespectful to the parliament and disrespectful to other members and could barely be constructed as English language sentences with full grammar and everything else, let alone actual answers to the questions that were being put.

The member for Newland creates a straw man when he says this because, of course, there is the fact that they said they were not going to answer any government questions, but could they constrain themselves? No, because, of course, they had these important areas, particularly the Minister for Agriculture and the Minister for the Environment who had to fill up vast majorities of their time by answering government Dixers or lengthy introductory statements.

The context in which he asks, 'How many questions were answered by government ministers in the last year of the Liberal government?' is of course entirely out of context when far, far longer was given to estimates. We were just comparing the amount of time given to estimates this year with last year. I note, for example, that in the education space I had to give up a certain amount of time. It was a deal that was offered. It was fairly accepted, and it was accepted in good faith, that I would give up a certain amount of time for there to be no government questions.

Ministers are perfectly able and within their rights to respond to ALP members' issues by correspondence, but the fact is that in 2001 there was so much more time allocated to estimates that the opportunity for government questions was more than mitigated by the fact that there was an much lengthier time allocated for opposition questions. The opposition favours public scrutiny. The opposition favours improved public scrutiny, and in the years ahead I hope that is what we will see. Thank you all for your contributions to the debate.

Bill read a third time and passed.

STATUTES AMENDMENT (BUDGET 2016) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 July 2016.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:11): I rise to speak on the Statutes Amendment (Budget 2016) Bill and indicate that the opposition will be consenting to this bill, consistent with precedent. It is a budget bill and, consistent with precedent, budget bills are not challenged in the normal manner of ordinary statutes. This is largely because of the precedent to recognise that the government has responsibility to make the ultimate decisions on how budgets are funded and expended.

Certainly on our side of the house, we are concerned about the implementation and effectiveness of a number of these proposals of the government, and I am going to deal with them in 10 areas of reform that are proposed in this bill. Can I start by saying, during the Treasurer's second reading of his budget for 2016, he described the budget as being some kind of miracle when he described some policies being those of God's work.

That prompted me to think at the time how all these new taxes and increased taxes might apply to Adam and Eve if the Treasurer actually had some responsibility for their making and/or application of what they might be in for in a Garden of Eden run by the Treasurer of South Australia. I cannot imagine that either Adam or Eve, or the apple, or the snake, would have escaped any of these taxes. They might have felt that they were in Purgatory rather than in a Garden of Eden. It is interesting to observe how these amendments to legislation are going to impact on South Australians.

Number one is the wagering tax proposal, an amendment to the Authorised Betting Operations Act 2000. Members would have already received considerable submissions from stakeholders in the community who have exposed, perhaps, the ill thought-out consequences of this legislation. Essentially, it introduces a 15 per cent tax on net wagering revenue, allowing for a threshold of $150,000 net wagering revenue per year being tax free.

As I understand it, this is essentially to capture those who would otherwise not be paying tax in enterprises that operate within South Australia but emanate from another jurisdiction. It will allow for a new licence class and will, of course, contribute moneys, they say, towards the Gamblers Rehabilitation Fund, as these funds are dedicated under statutory provisions, primarily to assist with problem gambling. That is, in itself, commendable but, again, it relieves the government of providing for services from its general revenue.

The second area is the amendments to the Education Act to introduce new fees for persons in South Australia under 457 visas—Temporary Work (Skilled) visas—to pay for their children to attend our public schools while they are working in South Australia. Remembering that people who are here on temporary work visas play a very important role in providing skills and are usually employed to provide those in areas where there is inadequate resource in South Australia, I asked the government to confirm what this would translate to in respect of those who would be liable to pay.

Essentially, it would make provision, as of 1 January next year, for families in this situation to pay $5,100 for each primary school student and $6,100 for each high school student. I assume that to be in addition to whatever fees the school was requiring them to pay, but these are moneys payable to the department towards, presumably, the cost of providing an education to these children.

We have a law in South Australia that provides for compulsory education, obviously, for certain age groups. These people are in our jurisdiction. We welcome them and their spouses and their children. Obviously, the family coming here brings a great economic benefit to the state, yet we are going to charge them for this privilege of attending our public schools.

The case studies provided indicate that, for somebody on a $58,000 income with four children, under a graduated scale, they would pay only $415.40, being 2 per cent of the maximum fee with no means test. On the other hand, somebody on a $70,000 annual income with four children, two in secondary school, two in primary, would pay $5,400 which is 26 per cent of the maximum fee payable if there was no means test, so quite a significant amount of money is expected to come in from these funds, providing about $5 million in revenue to the government.

Personally, I just indicate that I feel this is quite a retrograde step. It is not because we would not want people to make a contribution but, in one of the most disturbing aspects of our budget, I observe that nearly 5,000 more people left South Australia than came to South Australia last year. We know, when we see in the statistics that nearly 5,000 more people have left than have come here, how disturbing our immigration portrait is for South Australia.

The population consequences and the increased strength of the mature-aged in the spectrum are all issues of concern, not the least of which is the loss of the best and brightest amongst our youth, who leave the state. Making it difficult and costly for people who come here to provide skills in areas that we do not have in South Australia only encourages them to leave their children at home in their country of origin. I find that bizarre. Surely we want them to be here, love South Australia, like working here, encourage their children to come here with their spouses and apply to stay on.

Is this not the great immigration dream that we want to achieve in South Australia? Let's face it, for the last 30 or 40 years in South Australia, if we had not had overseas immigration in our state we would have perished in the desert. We actually need people coming to South Australia. Our birth rate is low and our death rate is high. Of course, as the baby boomers move through that spectrum—we all know that is not unexpected, but we do rely on overseas migration, especially with the exodus of our people leaving the state to live in other states. I find this to be a foolish decision on behalf of the government. It is a very short-term gain and it is very disappointing.

Thirdly, we have the Environment Protection Act amendments, which are essentially to change the title of the Zero Waste SA Act to the green industries act. That, together with the 10th element of this bill, which is the provision for amending the Zero Waste SA Act to allow the formation of the Office of Green Industries SA as a replacing statutory authority to Zero Waste, are designed to introduce a broader definition of application of the funds that are charged. As we know from the provision for a very substantial increase in the solid waste levy, which does not require this legislation but is done by regulation—I think the doubling of that levy. It is a massive amount of money that is going to be injected to facilitate this proposal.

What has happened here is that, in addition to renaming the Waste to Resources Fund, which is where the levy under this procedure is destined, it will go to the Green Energy Fund instead. However, this fund is going to have two very important areas of expansion. The first is that it can be for projects to deal with climate change and the second is to deal with disaster recovery measures. I notice the government's first initiative is to deal with climate change initiatives within the CBD of Adelaide. I do not know about you, but sea level seems to be one of the most important issues and I am a bit surprised that is only going to be dealt with in Adelaide, seeing that I think we are the state with the longest coastline in the country outside of Western Australia, yet we are not allowing this first lick of money to be allocated outside the CBD.

The second initiative is to meet the cost of disaster recovery measures. I will have some questions for the Treasurer in due course about how that money is going to be applied: for flooding, bushfires, damage to property, loss of stock, other areas of disaster that might deal with collapse of buildings in an earthquake, the invasion of a disease to South Australia—we have had bird flu and other scares. All these disaster situations do come from time to time and they are very expensive, especially bushfires in South Australia.

Is the government just going to rape this fund to enable it to prop up its own costs in respect of disaster provision, which is currently done through contingency funds in other departments? I would like some answers to that because it seems to me that people pay their solid waste levy through their councils and other collection agencies in good faith that it is going to be applied for the purposes of recycling and ensuring that our waste disposal is minimised to landfill, etc.—all those good initiatives.

It seems to me that this is a pure cost-shifting exercise of the expenses of government through their normal departmental obligations. They are now going to be raping this fund, which has a lot of money in it I might say. I think about $89 million is sitting in this fund, of which less than that has been paid out over the last 13 years.

I am not happy that they are even continuing to charge this while they have so much money in the fund and that they are going to double it and then rape it for its own benefit. I would like to know, and I think it is reasonable that we should know in the parliament, whether the government is going to use this, make it available to entities such as Renewal SA, as part of joint venture developments, like the new initiatives recently announced at Port Adelaide for two property housing developments and one soil remediation program at the Cruickshank area.

Is the flood mitigation in the Port River to be taken into account? Is that going to give an excuse or a hook upon which Renewal SA can come along and say that they want $10 million out of this fund to be able to deal with flood mitigation because it is a climate change issue, or give some other excuse to be able to raid the money? These are the sorts of questions we should have answered from the government, and we need to have them in response to this bill.

If for whatever reason it turns out that we are not going into committee on this bill today, I am happy for the Treasurer to get some answers for the parliament, or at least to make them available prior to the consideration of this matter in another place. Can I move to the fourth initiative, that is, amendments to land tax. At first blush, I thought this was a very generous matter, allowing for non-vacant land and non-residential land owned by sporting and racing associations to be exempt from land tax. It turns out it does not apply to very many across the state.

I was thinking that all those sporting associations with ovals might get relief, but a lot of them do not pay land tax anyway. It does relate, however, to areas where they might have a facility and just down the road they have another clubroom or the like, on which they do pay land tax. It is to remove any provision there. There are two years land tax free for those who might be leaving their property and rebuilding their principal place of residence—in other words, during a time of major renovation. It is reasonable that that issue should be cleared up; I think it has been unreasonable to expect people to pay it during that time.

Personally, I think it is still an unreasonable expectation that for people who have to leave South Australia or go to a country area to get work—and who have a principal place of residence in Ceduna, but who have to come to Adelaide to get a job or vice versa, which may not be immediately rentable or tenantable so that they can recover some money on it—land tax applies because they have vacated the property as they have had to chase work somewhere else.

I think that it is time that the land tax matters be reviewed, as the Liberal Party had previously proposed on a number of occasions, including to consider whether we should have a property—a property being identified as the first property—as such identified by the owner as being land tax exempt, even if the party was not living in it at that time. The structure of our land tax law at present is very much focused on recovering money, and I thank every day former premier David Tonkin for introducing the provision for land tax exemption on the principal place of residence. That is something we have to help housing in this state.

The fifth issue is the provision under the Mining Act and Petroleum and Geothermal Energy Act 2000, and this relates to royalties. Under the law at present, the royalties, which is the tax paid by mining companies to the government, is the responsibility of the Minister for Mining Resources and Energy. Presumably, he presents to the cabinet his recommendations in respect of this. A lot of it is bound by statute and, of course, on top of that we have indentures, for example, dealing with Roxby Downs and large operations such as Santos, which is now a publicly listed company with no restrictions on it, that have special indentures of this parliament. So, it is highly regulated anyway.

This amendment is designed to make the Treasurer the person who is responsible for determining the royalties. Ironically enough, it is still to be in consultation with whomever is the Minister for Mineral Resources and Energy. As I understand it from the briefing provided, cabinet would still make the final determination on these. I am curious about why this is necessary. I am particularly curious as to how it is going to work, given that in the current government the Treasurer and the Minister for Mineral Resources and Energy is the same person.

Obviously, he is not going to be responsible for royalties as Treasurer, then consult with himself as the Minister for Mineral Resources and Energy and say, 'Well, this is what I've decided. I'm now telling myself what I've decided, and I am then going to advise myself in consultation on what I should do about it.' Obviously, that is patently absurd. It was concerning to me that no-one came along from the briefing to deal with questions on this other than an adviser to the Treasurer's office.

In all seriousness, we do need to know in these circumstances whether in fact it is the intention of the government, or a requirement under the practices of cabinet, that in those circumstances a person needs to be appointed as an acting mineral resources and energy minister and that during the course of the consultation on this matter they can independently advise from the department of mining, mineral resources, etc., the Treasurer.

Treasurers obviously wear a different hat. They have a different role, they have a different responsibility. They are not always well liked by other ministers because, of course, to some degree they are the keeper of the money and they exert a fair bit of pressure. I am concerned to some degree that this is going to be a transfer of responsibility. Certainly, the Treasurer and Treasury ought to be available to cabinet and indeed to these ministers to give advice on the consequences of certain initiatives, the modelling that has been undertaken and the like.

Ultimately, ministers, whether they are ministers for health, mining or anything else, need to take responsibility and keep on taking responsibility for the costs they might recommend be incurred within their departments, and Treasury is there to provide advice on the operational matters. I am not happy about this type of transfer. What I do say, though, is that the Treasurer, especially as he is a minister promoting this bill and also happens to be the Minister for Mineral Resources and Energy, should give some explanation of how that is going to operate.

The sixth matter is the Passenger Transport Act amendments to introduce a $1 taxi levy. Much has been in the public arena about that matter. Obviously, it has some detractors as to how that will operate and what financial consequence it will have on others. I do not think it is necessary to make any further comment. The seventh matter is to amend the Real Property Act 1886. This will provide for the Registrar-General and deputies of the Registrar-General and, as is described by the Treasurer, other officers to be Public Service employees; in fact, it is to be the Registrar-General and the deputies.

The rest of the people who are employed at the Lands Titles Office, or the Land Services division, are not going to have the same protection, in the sense that they can be in anyone's position. Clearly, this is designed to accommodate what the government intends to do, that is, to commercialise the land services group. In fact, the Treasurer admits it when he says that these amendments will allow the government, if it makes commercial sense, to commercialise some of the transactional services currently provided by the land services group.

I simply make this point: if it was not already decided by the government to sell this, why do they need to pass this legislation at this point? Answer: because they do intend to sell it. Clearly, they intend to sell it. Clearly, they have done the work on the modelling to identify that. The Treasurer has consistently come into the chamber, in response to questions on this, and made it clear that other jurisdictions are considering it and that it is a good idea. Just as he has done with the Motor Accident Commission, this is going to be flogged off. The only sacred cows in this whole organisation are the people at the top—they have to remain as Public Service personnel.

There is an amendment to be introduced in respect of delegation powers, which otherwise under this bill are far too wide, to ensure three things: first, that the indefeasibility of title of registered proprietors is not to be affected by this restructuring; secondly, the exclusive power of the Governor to prescribe fees or charges payable in respect of matters under this act; and, thirdly, the operation of the scheme for compensation is essentially protected.

That helps because, as I am sure others would have, I read with horror the delegation powers that were otherwise drafted in this bill, but the government seems to be quite happy to dispose of this asset without adequate protection. Caught out, they seemed to be prepared at least to introduce some modicum of protection. They were prepared to go down a whole list of protective measures in dealing with the MAC legislation when they were forced to go through a statutory path and to be able to promise to South Australians that in selling off the insurance stream from the Motor Accident Commission they would protect certain things, including privacy of data and the like, and yet they were prepared to try to sneak this through, I suggest, without that sort of protection.

Eighth is the amendment to the Stamp Duties Act which allows for some extension to a statewide eligibility for off-the-plan projects on which there are contracts, and I think that is a good initiative; certainly industry has been calling for it for a long time. There seemed to be no rhyme or reason for giving preference on this to a limited geographical area, favouring an area, I note, within Adelaide, of assets owned by the government and/or Renewal SA, and so I have always been sceptical about why this was restricted, but at least they have finally agreed to expand it.

There is a variation to deal with tidying up in relation to some technical matters on charitable issues and also to deal with removing stamp duty to certain specified goods or classes of goods under prescribed goods. It will be a bit more of a streamlined process and that seems to be sensible. The government has been a bit slow in coming to attend to this, but we welcome it.

Finally, is the ninth matter, that is, changing the obligations or trying to make it clearer what obligations there are of a taxpayer in what they have to pay pending an appeal on a dispute of a primary tax matter. The statutes are to be amended to make it clear that only 50 per cent of the primary tax in dispute before the appeal can be lodged, as opposed to 50 per cent of the whole of the amount of the tax assessed, inclusive of interest and penalty tax, so hopefully that will make it clearer. The 10th matter I have already dealt with in item 3 in respect of the green industries measure. With that, I hope that the Treasurer will turn his mind to some answers and not rush to give us further bills that will further destroy the Garden of Eden.

Debate adjourned on motion of Hon. T.R. Kenyon.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 17:40 the house adjourned until Tuesday 20 September 2016 at 11:00.

Answers to Questions

ROSE PARK PRIMARY SCHOOL

204 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (25 May 2016). Given that Rose Park Primary School is required to reduce its numbers and all primary schools in the area are now at capacity, will the government consider using the Massada College as a site for a new primary school?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised:

Massada College is not owned by the Department for Education and Child Development (DECD) and is therefore not in a position to use the property to establish a new school. My department advises that the property has been sold to a third party and that settlement is pending. The future use of this site will be a matter for the new owner.

The department monitors the capacity of schools and introduces capacity management plans, school zones and/or provides additional accommodation for schools when it is warranted. Rose Park Primary School, like a number of surrounding schools, has experienced enrolment pressure partly due to a large number of students residing outside their respective school zones. A school that is operating at its capacity is operating efficiently in terms of available space.

The Department for Education and Child Development is confident that it will be able to manage demand for future local enrolment through the measures identified above.

CHILD PROTECTION

In reply to **Ms SANDERSON (Adelaide)** (24 June 2016).

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

The former Department for Education and Children's Services did not receive any additional funding for the decision for Families SA to join the department to establish the Department for Education and Child Development.

The cost for separating the departments is currently being assessed.