HOUSE OF ASSEMBLY

Wednesday, 9 September 2015

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 and read prayers.

Parliamentary Procedure

PERSONAL EXPLANATIONS

The SPEAKER (11:02): I gather that the Attorney wishes to make a personal explanation. I do not wish to trump him, but I do have a statement to make about personal explanations generally, because during the last sittings the member for Schubert made a personal explanation for which he was granted leave, without my asking him if he had been misrepresented. Then as is, alas, the custom he shook some curry onto his tormentor and then the member for Wright arose to make a personal explanation also and, in order to forestall a quarrel, I asked the member for Wright if she claimed to be misrepresented, and she makes the point that I treated her unequally because I did not ask the member for Schubert if he claimed to be misrepresented.

I have asked the Clerk for some advice on personal explanations, and this is it: a personal explanation is a statement by a member explaining a matter of a personal nature. It is not part of debate on a question, although it may arise out of matters raised or mentioned in debate. A personal explanation is not made as of right. In the House of Assembly, pursuant to standing order 108, a personal explanation is made only by leave of the house. This standing order has essentially remained unchanged since its inclusion in the House of Assembly standing orders as early as 1869.

The practice surrounding personal explanations in the House of Assembly differs from the practice of the House of Commons, Westminster, or the House of Representatives, Commonwealth of Australia, where a personal statement is made on leave indulgence of the Speaker.

A personal explanation is designed to enable a member to explain to the house matters of a personal nature that reflect on the honour or integrity of the member or otherwise of some emotional import to the member. More often than not, a personal explanation generally claims misrepresentation arising from media reports, the preceding question time or debate—or, indeed, from a minister perhaps making an inadvertent mistake in the course of the same, I should add.

In the House of Assembly, there has been a practice that a member, on rising to make a personal explanation, addresses the house by stating, 'I claim that I have been misrepresented and seek leave to make a personal explanation.' Such a statement makes it clear to the house the reason for requesting the permission of the house to make a personal explanation. Although I have been unable to find specific examples referenced in *Hansard* of a Speaker querying a member as to the nature of the personal explanation, it is clear, however, that any request to the house by a member seeking leave to make a personal explanation should be accompanied by more than a simple request saying, 'I seek leave to make a personal explanation.' In order that the members can judge the merit of the request when they are asked to grant leave for a member to make a personal explanation, the member requesting leave is expected to indicate broadly to the house when seeking its authority with what the personal explanation is concerned.

Obviously, any indication should go no further than to apprise the house of the basis of the request. I note that in House of Representatives *Guide to Procedures*, there is an established practice for the Chair to ask a member on rising to make a personal explanation whether he or she is claiming to be misrepresented. In order to grant the request, unanimous leave of all members present in the house is required. If there is any dissent, leave is declined.

It is an established practice of the House of Assembly that, on leave being unanimously granted, whether it be for either a personal explanation pursuant to standing order 108 or pursuant to standing order 97, for a member to offer any facts to explain a question, withdrawal of leave requires only one member subsequently to withdraw his or her leave. When an individual member

withdraws leave, there is no opportunity to question the member's motive for withdrawing leave or for the Speaker to rule on the appropriateness of such an action.

Where a member makes a comment in a personal explanation that is impermissible or misuses the privilege (or, I should add, tends towards a quarrel), a member may raise a point of order or the Speaker will intervene and, ultimately, in fulfilling his or her role in maintaining order, terminate the personal explanation. In these circumstances, the Speaker has advised the house that he is withdrawing leave and on other occasions the Speaker has directed a member to resume his or her seat during the course of the personal explanation.

Where the Speaker has curtailed a personal explanation, for whatever reason, whether by withdrawing leave or directing the member to resume his or her seat during the course of an explanation, there is no provision for the member to move a motion of dissent from the Speaker's ruling, as there is no ruling. So, the practice that I applied in a discriminatory and prejudicial way to the member for Wright will now be the norm. The Attorney-General.

Personal Explanation

YOUTH BOOT CAMP

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (11:08): Having listened very carefully to what has just been said, I am seeking leave to make a personal explanation in order to add to remarks made by me in question time yesterday so as to avoid misleading the house.

Leave granted.

The Hon. J.R. RAU: During question time, I was asked about the Reboot Intensive Intervention Trial, commonly known as the Youth Justice Boot Camp Trial, by the member for Morialta. Further to the questions asked yesterday, I would like to update the house on the government's election commitment to trial this program for young people who offend.

I can confirm that the agencies involved in designing the program as part of a multi-agency team included the Department for Communities and Social Inclusion (Youth Justice), the Attorney-General's Department, South Australia Police, the Department of State Development (Building Family Opportunities), the Department of the Premier and Cabinet (Change SA), the Department for Education and Child Development, the Courts Administration Authority (Youth Court) and the Operation Flinders Foundation.

On 14 April 2015 a competitive grant process commenced in order to engage an organisation to provide community-based support services for young people who offend. Applications closed on 15 May 2015. On 12 August 2015 I announced that the not-for-profit organisation Helping Young People Achieve was successful and would receive $900,000 over two years to deliver the trial in partnership with Red Cross.

The trial is based at the Adelaide Youth Court and primarily targets 15 to 17 year olds at their second or subsequent offence who are at risk of further offending. Intended outcomes of the trial include reducing offending behaviour and increase positive behaviour by young persons, including engagement in education, training, employment or organised activities, such as sport, performing arts, volunteering or other forms of civic engagement.

The trial has now commenced with two referrals from the Youth Court currently being assessed for suitability. Further to my comments yesterday, I can confirm that the appraisal stage of the trial is still being finalised, and the procurement process for the evaluation is expected to be settled shortly.

Parliamentary Committees

PUBLIC WORKS COMMITTEE: ANZAC CENTENARY MEMORIAL GARDEN WALK PROJECT

Ms DIGANCE (Elder) (11:12): I move:

That the 521st report of the committee, on the Anzac Centenary Memorial Garden Walk, be noted.

To commemorate the centenary of ANZAC, a physical link will be established between the South Australian National War Memorial on North Terrace and the Pathway of Honour at the Torrens Parade Ground. It will represent:

- remembrance, symbolised by the National War Memorial.
- loyalty, symbolised by Government House; and
- service, symbolised by the Torrens Parade Ground where many service men and women were farewelled.

A pedestrian walkway will be constructed to the east of Government House along Kintore Avenue. The project will require moving the fence of Government House 10 metres to the west, something agreed to and supported by the Governor. This wall will be replaced with a transparent fence which will allow the public to view the beautiful grounds of Government House but which will be designed as to maintain the security of government house, the Governor and guests of government house.

The project is costed at $10 million (exclusive of GST) and will be jointly funded by the state government at $3 million, the federal government at $5 million and the Adelaide City Council at $2 million. Construction is due to commence shortly, with the project to be completed by April next year.

This is the preferred project recommended by the Veterans' Advisory Council and has been consulted on widely, including with the RSL (SA) and ex-service men and women and the Governor. It has wide-ranging support.

In addition, this project will not only provide a commemorative walkway linking our key memorials, it will also add to the vibrancy of the city by encouraging people to walk between the natural beauty of the River Torrens and the cultural precinct of North Terrace. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:14): The opposition members support this project. It is a good project and gives suitable recognition along that section of road and will be terrific when it is finished completely. It also recognises the contribution of our armed forces over the last 100 years or so. We have absolutely no problem with it and, indeed, members enjoyed the hearing and got quite a bit out of it. We support the project.

Mr WHETSTONE (Chaffey) (11:15): I have a small contribution on the Anzac Centenary Memorial Garden Walk. It is something that was put forward as part of an election promise, and the tabling of the 521st report highlights the walk as an asset to Adelaide and is in recognition of the people who fought and represented this country so proudly.

The project is jointly funded by the federal and state government and the Adelaide City Council, with the total cost being $10 million. The project proposes the walk to be a promenade along Kintore Avenue linking the South Australian National War Memorial on North Terrace to the Pathway of Honour at the Torrens Parade Ground. Some of the major changes under the project include:

- the 10-metre offset from the existing boundary line into Government House grounds;
- the replacement of the Government House external wall with a see-through fence—and I think that was probably one of the bones of contention with this project when it was first put forward;
- the retention of trees—obviously, there will be some trees that will be removed, but the trees will be retained where possible;
- the replacement of staff dwelling;
- changes to the eastern perimeter landscaping of the Government House domain;
- some alterations to the eastern service area and the car park; and
- the review and possible augmentation of Government House security.

That was also one of the issues, and I think rightfully so, that security must be maintained, particularly taking away a solid fence and creating a view into Government House.

During the hearing, we were told that the creation of the Anzac Centenary Memorial Garden Walk was a unique opportunity to design and create a memorial in the heart of Adelaide in its memorial precinct. It is a once-in-a-century project and is in complete harmony with the city of Adelaide and its surrounding memorials. The initial discussions about the project were first aired in 2009 through the Veterans Advisory Council. The federal government funding for the project is being funded from the Anzac Centenary Public Fund and is guaranteed by the commonwealth government regardless of the amount raised by Mr Lindsay Fox through public donations.

Some concerns were raised about the possibility of remains at the construction site and, if found, how these would be treated, and I think all of the evidence satisfied the committee. The CEO of History SA confirmed the area was the approximate site of the first gaol and advised of the possibility that four or five of the first men executed may have been buried within the gaol yard. During the hearing, we heard that further investigations have been carried out and the department has approached Aboriginal Affairs and Reconciliation who have advised that the register of Aboriginal sites and objects has no entries for Aboriginal sites within the area, so a risk to the budget had been established to cover any of these types of events.

I give support for the project, as the member for Finniss has on behalf of the opposition. I think it is a great project and, hopefully, it will be the pride of our veterans' walk come any day, giving recognition for those people who fought for this great country.

Dr McFETRIDGE (Morphett) (11:19): This is a very good project that has been examined by the Public Works Committee, and I am pleased to see that it is going ahead at last. I was in Canberra a bit over two years ago, I think, and spoke to the Minister for Veterans' Affairs and had a little bit to do with securing the federal funding for this project. I think it was a bit of a surprise to the Minister for Veterans' Affairs when I made that announcement in estimates committees last year. The federal grant of $5 million is locked in, as is the state funding and the City of Adelaide funding. It is a very good project.

On Sunday morning, I was at the centenary, as was the member for Florey, of the unveiling of the memorial for the veterans and those who died during the Dardanelles campaign in 1915. Of course, we know the Dardanelles campaign now as the Gallipoli peninsula campaign. Even the term 'ANZAC' was not being used frequently then.

I am very pleased to hear that this memorial, which sits unnoticed in many ways on the corner of South Terrace and Goodwood Road, is mooted to be moved to be part of the new walk down Kintore Avenue. This is a very good thing because it will remind us all of the long history we have in participating in conflicts around the world and the sacrifices that have been made.

The sacrifice that has been made has come back to me in a very pointed way, as it did with the member for Taylor and the member for Florey when we, with the Hon. Andrew McLachlan and the Minister for Veterans' Affairs, visited the Gallipoli peninsula during the winter break and were present at the centenary of the battle for Lone Pine and also the Aboriginal ceremony of bringing home the spirits of Aboriginal veterans at Anzac Cove. The sacrifices that all our men and women of the armed forces and also, I should say, that their families have made in keeping this country safe will be well and truly on display with this magnificent new project.

Ms DIGANCE (Elder) (11:21): I would just like to thank the speakers who have contributed to the support of this project—the member for Finniss, the member for Chaffey and the member for Morphett. It is really an outstanding collaborative project and one that I think we, as South Australians, will all be proud of. I thank the Public Works Committee for its hard work and all the witnesses who made presentations to us. I commend the report.

Motion carried.

PUBLIC WORKS COMMITTEE: PORT LINCOLN HEALTH SERVICES LEGACY ASBESTOS REMEDIATION PROJECT

Ms DIGANCE (Elder) (11:22): I move:

That the 522nd report of the committee, entitled Port Lincoln Health Services Legacy Asbestos Remediation Project, be noted.

In 2013 and 2014, the Port Lincoln Health Service underwent a redevelopment and upgrade, which the committee inspected earlier this year. During the refurbishment works in the theatre suite, friable asbestos was identified that had not been recorded on the asbestos register. Additional funding was provided to remove the asbestos in the theatre suite during the refurbishment.

Consequently, a thorough assessment was undertaken of the remaining hospital to determine the extent of the friable asbestos. SA Health is now proposing to remove, where possible, the remaining asbestos from the hospital. Where this is not possible, it will be encapsulated and stabilised and an asbestos management plan established. This is an essential project to minimise the risk of exposure of workers and the public to asbestos, as well as minimising the ongoing maintenance costs and time taken.

Given that this is a fully functioning hospital and health service, the process will take some time as areas are decanted and services relocated. The works are due to commence soon and are likely to take around two years to complete. The cost of the project is $12.275 million exclusive of GST. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:24): I rise to make a small contribution to the 522nd report of the Public Works Committee. As the Chair of that committee stated, the committee visited Port Lincoln Health Services and it was great to see a regional hospital having an upgrade—a much needed upgrade by the look of it—and when we were there the works were well underway. I think it is testament to the people of Port Lincoln to have this much-needed health service redevelopment, as it was in quite poor condition and particularly in light of the detection of asbestos in that facility.

We heard through the witnesses that it is going to take at least two years to extract the asbestos. It is a very laborious process but it obviously must be done with care. Some staff who had worked there and who had undertaken some of the rebuild of the hospital had health concerns or scares about exposure to asbestos but witnesses from SA Health stated that all staff, including contracted staff, were allowed to go to Country Health funded medical checks with ongoing entitlements: checks were ongoing and I think that the fears of that workforce were alleviated.

The $12.275 million project to remove the asbestos was in some ways unforeseen with the redevelopment of the hospital but the staff and the people of Port Lincoln can now be assured that it is asbestos free and it is a hospital that is well deserved. I commend the report to the house

Mr TRELOAR (Flinders) (11:26): I rise to speak on the 522nd report of the Public Works Committee, entitled Port Lincoln Health Services Legacy Asbestos Remediation Project, and that that report be noted. I had the pleasure of joining the Public Works Committee earlier this year when it visited the Port Lincoln hospital redevelopment. My memory is that the total redevelopment cost was put at $39 million so it was a significant spend. It is now a wonderful facility that services well the people of Port Lincoln and Eyre Peninsula.

Unfortunately, as has been mentioned, during the redevelopment friable asbestos was discovered I think in the theatre suite, if memory serves me correctly. Unfortunately, during the previous redevelopment—which was way back in the 1970s, and I do just remember that, Mr Speaker; I was just a boy of course but I remember that going on—the huge building on the hill became even bigger. There was asbestos remediation during that time but, unfortunately, not all of it was discovered and so, of course, not all of it was removed at the time.

For a good part of the early decades of the 20th century, at least, asbestos was a very important component in the building industry so it was no surprise to find traces of asbestos in a big public building like a hospital and, in particular, the Port Lincoln hospital. Obviously, remediation has had to occur and will have to continue to occur. It will add to the cost of the project. It is estimated that about $12.5 million will be required to remediate the asbestos. It is also estimated that it will take about two years for this process to occur.

There is no doubt that further disruption will occur in the Port Lincoln hospital. There will be disruption to our diligent and hardworking health workers and also the patients, but it has to be done.

I congratulate the Public Works Committee for its diligence on this matter and also the visit to Port Lincoln to what will be ultimately, when it is finished, a wonderful facility and second to none as far as country hospitals are concerned.

Mr PENGILLY (Finniss) (11:28): I have a brief contribution and perhaps a more generalised range of comments on the asbestos matter. The Port Lincoln hospital redevelopment is a great project and when the committee visited and had an inspection the committee members were highly impressed. I really do not know where this asbestos thing will finish up; it is going to go on for decades in government buildings and everywhere else for that matter.

It will be of enormous expense to future governments of all persuasions and, indeed, to the private sector. What takes its place, when they have cleaned up all the asbestos which they are using in building works today, I am not quite sure. However, this was a good project and I look forward to the Port Lincoln hospital having a great future.

Ms DIGANCE (Elder) (11:29): I would like to thank all of those who have just contributed to the support of this hospital to do with the asbestos remediation. Thanks to the member for Chaffey, the member for Finniss and also the member for Flinders, and, yes, it was good to have you on that trip when public works visited your particular area.

I think this is a project of real significance and importance and it shows due care being taken by SA Health, so I believe it is actually in good hands. Thank you to the committee as well for its hard work and to those who came and put the report together for us, so thank you. I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: BAROSSA WATER TREATMENT PLANT FILTER REFURBISHMENT PROJECT

Ms DIGANCE (Elder) (11:31): I move:

That the 523rd report of the committee, entitled Barossa Water Treatment Plant Filter Refurbishment Project, be noted.

The Barossa Water Treatment Plant has a capacity of 130 megalitres per day and supplies treated water to 85,000 to 140,000 people. After 30 years of service and due to a critical flaw in the original design, it is timely to upgrade the filter systems with technology used in other Adelaide water treatment plants.

This project will include the refurbishment of the eight filters at the plant as well as removing the current concrete underdrains for each of the eight filters and replacing them with filter block underdrains. This will address the design issue that is causing turbulence and disrupting the filter media. The cost of the project is $4.970 million GST exclusive. Major work is due to commence at the end of October this year with construction works to be completed by the end of June 2016.

Given this and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:32): I will make a small contribution to the 523rd report of the Barossa Water Treatment Plant Filter Refurbishment Project. Obviously a lot of the water treatment plants that were built about 30 years ago are coming up for refurbishment, renewal, upgrades, new technologies and different types of water that is put through the treatment plant, and I think the Barossa is no different.

This upgrade is about removing and disposing of existing media, the gravel and the sand, and the compound within those filters in the seven operating banks; removing existing concrete underdrains in each of the eight filters; installing filter block underdrains and new media in all eight filters, and commissioning refurbished filters and returning filters to operation. The cost to undertake these works is estimated to be $4.970 million, and I commend the project to the house.

Ms DIGANCE (Elder) (11:33): Thank you to the member for Chaffey, who is also a member of the Public Works Committee, for contributing. This is a very worthy project and it is an essential

project to the people in the area. I thank those who wrote the report which was submitted to us, and thank you to the members of the Public Works Committee.

Motion carried.

PUBLIC WORKS COMMITTEE: LOXTON RESEARCH CENTRE REDEVELOPMENT

Ms DIGANCE (Elder) (11:34): I move:

That the 524th report of the committee, entitled Loxton Research Centre Redevelopment, be noted.

Primary Industries and Regions SA has been consulting with the local community, businesses and the commonwealth government regarding the redevelopment and expansion of the Loxton Research Centre and what is required for a state-of-the-art horticulture and dryland research facility.

The aim of the facility is to bring together industry knowledge, ideas and science to support, revitalise and grow the regional economy. The centre is to showcase and allow verification of new technology and establish a local analytical capability that encourages new industry players as well as facilitates export growth.

This project specifically considers the expansion of the centre, including the construction of a new building incorporating a conference centre and the expansion of the car park to accommodate coaches and buses. The cost of the expansion is $5.05 million and, in addition to this, the current facility is also being upgraded and redeveloped to offer state-of-the-art facilities. This is already underway.

The construction of the new building and car park project is due to commence in January 2016, with completion by December 2016 of the redevelopment and new facilities for the whole complex. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:35): I too rise to speak about the 524th report of the Public Works Committee regarding the Loxton Research Centre redevelopment. I am obviously very proud of the centre's refurbishment and rebirth, as from its former glory days it has been, sadly, left in almost a state of disrepair. The money being put into this centre will potentially put it back onto the world map because, for many years, the research centre was a centre of excellence, particularly with irrigation efficiency and water monitoring. The research that came from that centre over many years has been exported to many countries and I think that, with Loxton's rebirth and refurbishment, this will once again be reborn.

It is a huge project for the Riverland and Mallee that will breathe some life back into the facility that, as I said, has essentially been left to deteriorate. I make continual stop-ins to have a look at how progress is going with the centre. I think, in particular, with the $265 million of commonwealth funding from the South Australian River Murray Sustainability Program, the research centre will get a critically overdue makeover and upgrade.

It is essentially a revitalisation of the research and development facility. There has been a lot of interest already in taking up tenancy in the centre. As I have said, I did lobby for some years to get the Almond Board of Australia's National Almond Centre of Excellence. We look at other national bodies that are going to come into this facility, and I think it is a great opportunity for South Australia to have a world-leading R&D centre up in the Riverland. We all must realise that R&D needs to be formed in its own environs where that R&D is going to be performed out in the field.

During the hearing, witnesses from the departments stated that the project represents one of our major opportunities to redevelop the facility. I notice that the state's economy is reliant on food and beverage and, in most cases, that is what this research centre will be able to underpin. Of the $7.5 million total cost of the project, $6.7 million of funding came from SARMS.

There is no direct state government money going into the development, but the state money being used will pick up some of the repairs on the existing facility. For example, there was work completed on underpinning where there was a lot of wall cracking and some erosion. There was some asbestos removal, and a lot of the air conditioning and wiring had to be replaced.

The works on the existing building are costing in the vicinity of $1.4 million to ensure that all the labs are upgraded to current standards, the whole exterior and gutters are replaced and painted, and there is recarpeting. The current facility will almost be the same quality as it was many years ago when it was opened by the late Ted Chapman. As I said, there was also replacement of air conditions that had failed.

It is great to hear that 96 to 97 per cent of the tradespeople are local. In terms of staff, eight will be government funded; four of them will be there continuously, but there are people moving in from Murray Bridge and Loxton and they will be travelling backwards and forwards. A request from the nursing organisation came in and they wanted to set up at the research centre, so there is interest from far and wide.

My wish is that the centre will be finished on time. The cooperation between commonwealth and state coffers will benefit the centre and the centre will benefit South Australia, so I commend the report to the house.

Ms DIGANCE (Elder) (11:40): I thank the member for Chaffey for his contribution, and I know it is a very welcome spend in his area. The members of the Public Works Committee are all hopeful that this will give a boost in that particular area as well. I would also like to thank the Public Works Committee and those who prepared the report for us to consider, and I recommend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: KANGAROO CREEK DAM SAFETY UPGRADE PROJECT

Ms DIGANCE (Elder) (11:41): I move:

That the 525th report of the committee, entitled Kangaroo Creek Dam Safety Upgrade Project, be noted.

This project will see SA Water undertake a major safety upgrade of Kangaroo Creek Dam, which is situated in the Adelaide Hills, upstream from the metropolitan area. It was constructed in the 1960s. Over the years, the standards for dam construction have changed and SA Water has decided to undertake an upgrade to ensure the safety of the dam in the unlikely event of extreme flooding or seismic incident. I must emphasise that this is indeed an upgrade for safety and risk management reasons, not for structural reasons. The current dam is structurally sound.

The upgrade will including the widening of the spillway to make it 50 metres, and increasing the height of the dam crest by 4.7 metres. This will ensure that the dam meets the Australian National Committee on Large Dams' guidelines for flood and seismic requirements—specifically, a one in 10 million-year flood event and a one in 10,000-year earthquake event.

The upgrade will allow for better management of the release of water in a flood event and ensure structural integrity of the dam in the event of major seismic activity. The cost of the project is $94.655 million and is included in SA Water's forward estimates. It will have no impact on SA Water's overall capital plan, borrowings, contribution to government, or customer pricing.

Prior to hearing witnesses on this project, the Public Works Committee undertook a site visit to understand the magnitude of this project. It certainly was a fruitful visit, and we were grateful of this once we actually had the hearing.

The initial construction works are due to commence in September 2015, with completion of the works in early to mid-2018. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:43): I, too, rise to speak on the 525th report of the Public Works Committee regarding the Kangaroo Creek Dam safety upgrade. I note that the member for Morialta took a great deal of interest in this upgrade as it sits above his electorate, and he was quite concerned to ensure that this upgrade needed to be done urgently and as quickly as possible. We were told during the hearing that the Kangaroo Creek dam was identified as needing an upgrade as far back as 2008, so I think that was a good pick-up by the member for Morialta.

The Kangaroo Creek Dam, situated at the top of the River Torrens, is a critical path of South Australia's water infrastructure storage. It stores water for supply through the Hope Valley reservoirs to supply over 40,000 households. If the Kangaroo Creek Dam were to experience a flood or an earthquake larger than it was originally designed and constructed to cope with in the 1960s, large areas of Adelaide's population would be at risk. This gives rise to the need for the further strengthening and modification of the dam, bringing it up to current design standards.

The project will increase the flood capacity and the earthquake resistance of the dam. We did note that, before the dam was built, we had quite a significant earthquake on that fault line that runs through the Hills. If the dam was built before it was built, it probably would not have survived that earthquake. This upgrade is overdue, but it is warranted. I recommend the upgrade to the house.

Mr PENGILLY (Finniss) (11:45): I was unable to attend the hearing, but I did go on the site inspection some months ago now. It was a bit of an eye opener for the committee once again, I think, to see the dam situation, where it was and to have an in-depth briefing on site. I am pleased that the committee now goes out and does these things, whereas in the past it did not seem to do much at all for some period over site inspections. Kangaroo Creek is an important part of the water infrastructure for Adelaide and South Australia and the proposed changes to it will not only benefit the dam and its suitability but also have environmental benefits further downstream, so I am pleased to support the project.

Ms DIGANCE (Elder) (11:46): I thank my fellow committee members, the members for Chaffey and Finniss, for their words on this particular project, and it is an important project. I think keeping up with standards and ensuring those safety standards is extremely important. I would like to thank those involved in presenting the project to us and hosting us on the site visit. I would also like to thank all the Public Works Committee members. I recommend the report.

Motion carried.

PUBLIC WORKS COMMITTEE: GLENELG WASTEWATER TREATMENT PLANT HAZARDOUS AREAS UPGRADE PROJECT

Ms DIGANCE (Elder) (11:47): I move:

That the 526th report of the committee, entitled Glenelg Wastewater Treatment Plant Hazardous Areas Upgrade Project, be noted.

The Glenelg Wastewater Treatment Plant, constructed in the 1930s, treats domestic and industrial wastewater from the Adelaide Hills and western suburbs of Adelaide. It services around 200,000 people and is one of the three major wastewater treatment plants in Adelaide. Recent investigations of the hazardous areas have identified some areas of the plant that are no longer compliant. The aim of this project is to upgrade the hazardous areas to minimise the risk of work health and safety incidents while still maintaining processing capacity and hence ensure compliance with the current Australian standards.

The preferred option is a complete upgrade, entailing ventilation, gas detection and all remedial works in one project. The option addresses the work health and safety risks and the noncompliance issues in the timeliest of manner. The cost of the project is $4.91 million, excluding GST, is fully funded within SA Water's approved budget and will have no impact on SA Water's overall capital plan, borrowings or contribution to government or customer prices. Major capital works will commence in November 2015, with the work to be completed by the end of 2016. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:48): I, too, rise for the 526th report of the Public Works Committee, entitled the Glenelg Wastewater Treatment Plant Hazardous Areas Upgrade Project. Without going too far into it, the Glenelg Wastewater Treatment Plant is designed for annual flows of 60 megalitres a day to serve an equivalent of 203,000 people. At times of high flow, the volume of wastewater received from the wastewater treatment plant is delivered by the Anderson Avenue wastewater pumping station, and it can be in excess of 1,800 litres per second, which is a lot of water to pass through that facility. The facility is aged and it does need an upgrade. This $24 million (including GST) I think will be music to the member for Morphett's ears and it will also address the

odour issue that needs to be dealt with. As a tourist destination, there is nothing worse than waking up to odour. I commend the report to the house.

Ms DIGANCE (Elder) (11:49): I am very happy that the member for Chaffey has spoken to this report as well. I commend the work that the Public Works Committee does and thank those who brought this report to us. I commend it to the house.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: COMORBIDITY

Ms WORTLEY (Torrens) (11:50): I move:

That the 38th report of the committee, on comorbidity, be noted.

In June 2014, on a motion from the Hon. Kelly Vincent, the Social Development Committee resolved that the inquiry into comorbidity should commence. The committee commenced its hearings on 15 September 2014 and concluded on 9 February 2015.

I would like to take this opportunity to thank members from the other place who provided valuable input into the inquiry: the presiding member, the Hon. Gerry Kandelaars; the Hon. Kelly Vincent; and the Hon. Jing Lee. From this chamber, I would also like to thank the member for Reynell, who was a member of the Social Development Committee up until February 2015; the member for Fisher, who was appointed to the committee in February 2015; and the member for Hammond.

Inquiries such as this would not be possible without the valuable contribution of the many individuals and organisations that give up their time to come forward and give information. We thank all those who presented evidence for this inquiry, either in writing or by appearing before the committee.

Comorbidity is essentially a clinical term that refers to the co-occurrence of two or more medical issues, or more than one physical and/or psychological issue, in the same person. A large number of people in our community experience comorbidity. They have increased rates of severe physical and mental illness, hospital admissions and mental health sectioning, and increased rates of noncompliance with treatment orders. They have fewer social supports, use more public services and are more dependent on welfare benefits. They are at greater risk of homelessness, incarceration and suicide, and have a significant decrease in quality of life.

The committee heard evidence from a number of witnesses about the dual or multiple needs of people with comorbidity. The committee believes that the introduction of consistent terminology and shared frameworks will lay the groundwork for consistency in policymaking, service provision and research. The committee heard that to guarantee that desired outcomes are met for people with comorbidity, funding and service agreements need to have outcomes that are clearly articulated and measured against performance.

The committee also heard that people with mental illnesses are significantly overrepresented in the criminal justice system. Evidence-based research suggests that mentally ill people are three or four times more prevalent in prison populations than in the general community. Evidence shows that silos and overlaps are a consequence of the different laws that may be invoked in response to a person with comorbidity. There is an overlap between the Mental Health Act, the Guardian Administration Act and the Criminal Law Consolidation Act. Individuals may also be subject to the provisions of the Public Intoxication Act.

The committee heard that multiple orders may be in place, with compounding restrictions. For example, a person may be placed under a Mental Health Act order when the criteria for an inpatient treatment order or community treatment order are met. The same person may also have a guardian or administrator appointed under the Guardian Administration Act.

Other relevant legislation includes the Disability Services Act, which determines the funding and provision of disability services in South Australia, and the Supported Residential Facilities Act, which provides for the care of people living in this form of accommodation. The committee heard that the application and potential overlap of these laws can be problematic for people with comorbidity.

The committee believes there is a need to develop further capacity within the disability, health, mental health, and alcohol and other drugs sectors to treat and provide support for people with comorbidity, and that measures should be introduced to improve comorbidity training and increase skills and knowledge in the area of assessing and treating comorbidity. In recognition of the key role that family, paid disability support workers and others in the community play in supporting people with comorbidity, the committee endorses the need for access to relevant information and resources to aid this support. It is only through informed choices that an individual with comorbidity, their family and paid carers can ensure that they have the opportunity for positive life experiences. Yesterday, the Social Development Committee presented the inquiry into comorbidity report before the house.

Ms COOK (Fisher) (11:54): I am pleased to speak on the comorbidity report as tabled by the member for Torrens, whom I joined on the Social Development Committee along with the member for Hammond from this chamber. This report is the culmination of a vision of the Hon. Kelly Vincent as well as of hard work by herself and other members from the other place, Presiding Member the Hon. Gerry Kandelaars and the Hon. Jing Lee. Thank you to all individuals and organisations that supported the inquiry by contributing 23 written submissions and 15 oral evidence presentations. Thank you also to the parliamentary staff for their professionalism.

The committee commenced its hearings on 15 September 2014 and concluded on 9 February 2015. Comorbidity is essentially the clinical term that refers to the co-occurrence of two or more medical issues or more than one physical and/or psychological issue in the same person. Having worked in health care as a registered nurse for nearly 30 years, I have a deep understanding of the prevalence and impact of comorbidity in our community.

This inquiry was mandated to investigate and report on issues associated with the dual diagnoses of both intellectual disability and/or acquired brain injury and/or mental illness and/or chronic substance abuse. The compelling evidence brought by key agencies led the committee to consider a much broader range of conditions, such as epilepsy, autism spectrum disorders and more. The focus of the investigation was on the facilities providing treatment to the patient group, the training for clinicians charged with providing this treatment, and information and support for individuals and carers as well as other related matters.

Their complex care needs, combined with limited capacity to self advocate, makes this client group extremely vulnerable. It is therefore essential that the government does everything possible to identify any areas of risk, and then it needs to support the appropriate planning and delivery of optimal care pathways. Like all areas of social need this is a matter where prevention is better than cure, with the expected outcomes of clients with comorbidities in all situations at high risk of complications, increased negative sequelae and, more often than not, a higher cost. One only has to consider the cost to society of prolonged hospital admissions, non-compliance with treatment orders, dependence on welfare benefits, homelessness and recidivism to justify investment in this area.

Many powerful case studies were offered as examples to the committee. This narrative is vital in order to provide members with tangible evidence and a reference from which to connect this evidence. There were 40 competency recommendations that came out of this inquiry, and they are grouped under the headings of Comorbidity Service Systems, Service System Planning and Treatment Support Options, Screening and Assessment, Forensic Clients, Legislative Amendments, Workforce Development and Training, Data Collection, and Service and Support for People with Comorbidity, Family Carers and Support Workers.

The recommendations of the committee sit well with the state government's reform of hospital-based care and Transforming Health, with that expectation that all community members access best care first time every time. The committee believes that community members with comorbidity must experience an integrated treatment and service system that has a 'no wrong door' approach, where they receive timely and appropriate screening and assessment, and are assisted with all their treatment and service needs. I ask you to consider specific examples such as forensic clients with comorbidities such as autism spectrum disorder and how they cope within the judicial system.

With comorbidities ever-increasing, along with a need to control our health budget amongst an array of competing demands, the successful response to these complex recommendations is challenging but essential, and I commend the report to the house.

Debate adjourned on motion of Mr Gardner.

Bills

WHYALLA STEEL WORKS (ENVIRONMENTAL AUTHORISATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 September 2015.)

Mr VAN HOLST PELLEKAAN (Stuart) (12:00): I welcome the opportunity to speak on the Whyalla Steel Works (Environmental Authorisation) Amendment Bill 2015. Let me just make it very clear that I, as an Upper Spencer Gulf member of parliament and also as the shadow minister for mineral resources and energy, and also my colleagues in the Liberal Party of South Australia are extremely supportive of Arrium and extremely supportive of the resources sector in general.

Arrium is one of the most important companies operating in South Australia and is by far the most important company operating in Whyalla with regard to the number of people it employs, and in other ways as well. Arrium employs well over 3,000 people as direct employees and full-time contractors in its two operations, both the Whyalla steelworks business and also the mining it undertakes in the Middleback Ranges. It is incredibly important.

From an Upper Spencer Gulf perspective, while of course there is often friendly rivalry between Whyalla, Port Augusta and Port Pirie, we all know that our futures are inextricably linked, that we will swim or drown together. We are all very optimistic that we will do very well in that part of the world, but have no doubt, in Port Augusta and Port Pirie we understand that we need Whyalla to be successful, in Whyalla and Port Augusta we understand that we need Port Pirie to be successful, and so on.

The mining industry and the steel industry are going through very difficult times at the moment. There are enormous challenges in Australia for both of those industries, largely brought about by international commodity prices, but not exclusively. There are industrial relations issues, cost of production issues and a range of other issues which provide challenges to these industries, but more than any other issue is international commodity prices which means that Arrium, as the operator of mines and also the steelworks at Whyalla, is going through very tough times. Not times that it cannot come out of, not times that the government and the opposition cannot help it with, but it is a tough time for anybody who is in these industries at the moment.

I am very supportive of Arrium and what it does. That does not mean in any way that I want to reduce vigilance or impact upon very important environmental protections, and I am sure the government is exactly the same in that regard. Protecting the environment is critically important, so we need to find a way to support Arrium and to simultaneously make sure the environment is protected.

The bill the government has put to us has two key parts. The first part is to extend an existing 10-year agreement whereby Arrium is responsible to what is currently the Department of State Development (before that it would have been DMITRE and no doubt had previous names over the previous 10 years) for its environmental performance. It wants to extend the existing 10 years, which runs out on 4 November of this year, to 20 years, so essentially give it an additional 10 years. The second part of the bill is the insertion of a section which gives the minister the opportunity to request variations through the commissioner to the environmental authorisation. So, they are the two key things we are looking at at the moment in the bill.

I turn to the first part first. I understand that extending the 10 years to 20 years (providing the additional 10 years) gives Arrium certainty and security. I think that it is very understandable that Arrium would want that and that the government would want to give that to Arrium, because it supports Arrium in their business and also, from a government perspective, no doubt they are quite comfortable with the current situation. I say again that Arrium is operating in difficult times. They

deserve as much support as possible. They deserve to be given that sort of security if they can demonstrate that not having that security would impede them with regard to their operations or with regard to their attraction for investment and, from my perspective, with regard to their capacity to continue to employ over 3,000 people in Whyalla and the surrounding area.

No doubt the EPA was not expecting this extension. It was not something that anybody was expecting 10 years ago. In fact, I would be quite certain that when this first 10-year period was entered into 10 years ago it was probably considered to be very generous, that 10 years would be more than enough time for Arrium (it was not actually Arrium at the time) or the company to transition to reporting to the Environmental Protection Agency rather than to DSD. Here we are again, being told that the next 10 years will be more than enough time for them to transition from reporting to DSD and changing that to reporting to the EPA.

I have to say that I am actually comfortable with that. There are a lot of questions to be asked and there is more information to be gathered before it would be possible for the opposition to form a position on that issue, and I think that asking those questions is very important. As the shadow minister and as a local area member of parliament, I am comfortable with that, but it is a very big thing to essentially rule the EPA out of this work for 20 years, and I am looking forward to receiving a briefing from the EPA on what its view on that is.

The second part is with regard to the additional flexibility that the government wants in its ability. I will read a short sentence from the minister's second reading speech:

> The Bill also inserts Section 20 to set out provisions for Schedule 3 of the Whyalla Steel Works Act to be updated to reflect variations in the environmental authorisation at the request of the Minister.

It seems to me that on the one hand the government is providing more security and more certainty to Arrium by extending the 10 years to 20, but it is also potentially taking some security and certainty away by inserting that clause. I do not doubt that if I was the minister I would want to do that as well, so I can really understand where that is coming from for a whole range of reasons, and it may well be that it is not only the environmental authority that the minister could request a change to.

The opposition's position on this bill is to not oppose it in this house and to reserve our final position until it is debated in the Legislative Council. I say very clearly to members of the government, to you, Deputy Speaker, to the industry and to Arrium that it is very unfortunate that we cannot give our unequivocal support to this bill today. I believe that we will provide that support. I would like to give it today, but I do not have the right to speak on behalf of all of my party. The reason that I cannot give my support today is that the information required to make that decision was not provided to the opposition in a timely fashion.

There would be a lot of things going on in the background in government that I would not be aware of. There might be very good reasons for that; there might be very bad reasons. There might be completely unacceptable reasons for that to have happened, but whatever the reason is it is unacceptable to have received for the first time a copy of the bill at nine minutes past 11 yesterday morning when the bill was to be debated at 11 o'clock yesterday morning. No rational person could think that it would have been possible to organise an opposition party room meeting to form a position on that bill in the two hours between 9 o'clock and 11 o'clock that morning and to put a position forward. I think it is a great shame that we cannot put a position forward, and I think it is the government's responsibility wholly and solely that we cannot put a position forward at the moment.

I say again that I am comfortable with the bill, but for the opposition to have been able to gather to take a position required the government to provide this information in a timely fashion. There might be reasons why it was not possible, but the bottom line is that the information was not provided.

I am also waiting for some information to come back from Arrium. I do not think for a minute that that information will do anything other than support my personal view that this is going to be good legislation that is good for Arrium, good for the state and good for Whyalla and the Upper Spencer Gulf. But, nonetheless, I have not received that information either and, as I said before, I am waiting for a briefing from the EPA.

The EPA have been good enough to say, 'Yes, we will do that. We need permission from the minister for environment to provide that.' I understand that is the process. I have asked if we can have that as quickly as possible. I have not had confirmation of when the time is. I have asked for it to be immediately if possible.

They are the things that need to be done for the opposition to actually put forward complete support. I would have hoped that we could do it in this chamber. Unfortunately, it is not going to be possible. I am very optimistic that we can do that in the Legislative Council but, of course, I rely upon my colleagues' support for that.

The opposition is very supportive of the Arrium company. The opposition is very supportive of the resources industry and the opposition is very supportive of Whyalla and the Upper Spencer Gulf, and I look forward to working through the committee stage of this bill with government and opposition members. I look forward to receiving the information that I still need so that I can put a position forward to my colleagues in time for the bill to be debated in the other place.

Mr WILLIAMS (MacKillop) (12:12): The shadow minister has put a very considered position on behalf of the opposition, and I congratulate him for doing that. I find myself in the position where I do not have to be quite as generous as the shadow minister. I think I was the shadow minister for this portfolio area when we addressed this last time about 10 years ago and can I say that the way this matter has been handled, obviously over the last 10 years and particularly in the last little while, and the way it has been brought to the house today smacks of incompetence. It smacks of incompetence of this government to manage the affairs of state.

I apologise to the house that because this has been brought on so quickly I have not had time to go back and research thoroughly the promises that were given to the house last time 10 years ago. But I feel fairly confident from memory that the house was told that the reason we were given a 10-year window of opportunity was that that would be plenty of time for Arrium (it was not called Arrium as I think it was OneSteel at that stage) to undertake its redevelopment change (I am just trying to think of the name they put to the whole project where they changed the process from utilising hematite to magnetite), invest a large amount of money (from memory I think it was something like $360 million or $400 million that was invested in that process) and then utilise their hematite resources as an export income earner and all of those things, and to change their system such that the company would be, within the 10-year period, well-positioned to be able to operate in the same sort of space that virtually all other businesses in South Australia operate.

I recall at the time reading the indenture under which the steelworks was operating—the business, because it is more than just the steelworks—and in the indenture which was current there were some money amounts and they were still expressed in pounds, shillings and pence. That is how far back it goes. From the smile on the face of the minister, I suspect it is still expressed in those same terms. I can remember 14 February 1966, so the indenture goes back prior to that. It has been around a long time. Notwithstanding that, 10 years is a period of time in which I would have thought the company, via negotiations with the government, would have been in a position to fulfil its obligations under our EPA Act and regulations and operate in a similar vein to, as I said, virtually all other businesses in South Australia.

I am reminded of another significant business in South Australia, Kimberly-Clark, that operates a paper mill in my electorate at Millicent. They had a 50-year indenture which was signed by the government in 1964. It expired last year, in 2014. I remember meeting with the management at Kimberly-Clark a few years ago and I raised the issue of the imminent expiry of their indenture and I asked, 'What is your position? Are you going to want to roll that over? What are you going to do?' They said, 'No, we don't want to be operating in an area in which other businesses are not operating. We want to be seen as a good, strong corporate citizen with a strong set of values commensurate with the way business is carried out in this state. We want to meet all of the contemporary standards in every way. We are not even asking for a rollover of our indenture. We will become licensed under the EPA in the same way as any other business, as we probably would be if we were starting up today.'

I mention that case because it is a very different situation from what we find is happening with Arrium. I talked about Arrium and the change in the way they operate their business—the change from hematite to magnetite, the issues they had with red dust and the fact that now a big part of their

business is exporting hematite. All of those things do take time. I point out that Kimberly-Clark could see their indenture expiry coming and they changed the fundamental process they used at the Millicent paper mill from a chlorine-based bleaching system to a hydrogen peroxide-based bleaching system in the 1990s, a good 15 to 18 years before they were going to hit the end of their indenture. I think, as a business, they worked very diligently and in a timely fashion.

Parliament has already given Arrium (OneSteel) a 10-year window to get themselves organised. I have to tell you, Deputy Speaker, I am very disappointed that the parliament has been asked to extend that by another 10 years. As I said, I do not point the finger at Arrium: I point the finger at the current state government which, I think, has failed to work with Arrium to make sure they met their obligations within the window they were given.

I have just read the report and I have not seen anything in there which jumps off the page at me to say that there is a really good reason why we have to extend this. I certainly accept that the world steel market and the iron ore market is completely different now from what it was even a couple of years ago. It is completely different: I accept all of that. Notwithstanding that, I think the parliament should be given a good reason why Arrium was unable to meet their obligations, having (I can only presume) negotiated 10 years ago for a window big enough to allow them to do that. I just want to put on the record that I am concerned about the lack of managing the process by the government. I must add that I am fully supportive of Arrium, and I respect that the state government would be wanting to do everything in its powers to ensure the ongoing success of that business in very tough trading times. I accept all of that.

When I read the report, though, I am somewhat concerned that there does not appear to be any compelling reason why Arrium needs another 10-year window, but a fair bit of time is given to talk about the importance of Arrium as a business to South Australia and the number of employees, etc., and there is no doubt it is a very important business to South Australia.

I remember making the same argument about both Kimberly-Clark, Arrium and a handful of other businesses when I was previously arguing against the previous federal government's foray into carbon tax and the impact that it was going to have on those particular businesses, because they are all trade exposed, high-carbon emitters. Arrium is one of those and there is nothing that can be done about it. It is not as though it can change its technology and reduce its carbon footprint.

I have always been supportive of these businesses, and this one in particular. I do not have a problem with that, but I just question the logic put forward in the report that has been tabled in the house as to the importance—that if we are being asked to make this decision because of the importance, would we be given a different proposition if the business only employed 100 people or 50 people? I think that is the important question for us to consider.

Are the environmental restraints which would otherwise impact on this business so damaging to the environment that we are only giving this concession because of the number of people employed, and I think that would be questionable public policy if the answer to that is yes. If we would not offer the same to a much smaller and less significant business we would have to question our environmental credentials. The Labor Party always claims to be much more attuned to the environment than the Liberal Party is. It is a claim I have never accepted. I have never accepted it, but—

Mr Treloar: It's rubbish!

Mr WILLIAMS: It is rubbish, but I suspect that there is a very strong bit of evidence in this bill to disprove that claim that the Labor Party would have the community believe.

I have said enough about that aspect of the bill, but I do also want to canvass a few comments about clause 4 of the bill which, again, I think gives extraordinary powers. This goes way beyond powers that I believe—and the minister might correct me—are probably in any other statute of the state. The minister is grabbing his folder and he has obviously got an example. I am unaware of it at the moment, but the parliament gives ministers already extraordinary powers to make law, basically at the stroke of a pen, but reserves the right to review those, and I am talking about the regulatory-making powers, and regulations are a disallowable instrument.

I question the minister whether this power that is given to the minister of the day and the commissioner (and 'commissioner' means the Commissioner for Legislation Revision and Publication under the Legislation Revision and Publication Act 2002) are powers to make law. Subsection (4) of new section 20 of the bill—

Mr Griffiths: Who is that?

Mr WILLIAMS: Good question: 'Who is that?' Who is this commissioner? We know who the minister is. New section 20(4) states:

> A revision of schedule 3 under this section will, for the purposes of the Legislation Revision and Publication Act 2002, be taken to be legislation revised under that Act.

So, I am not sure whether we are talking about a disallowable instrument here or it is not a disallowable instrument. However, if it is not a disallowable instrument I would suggest that if there is another example it would be a very rare example.

I have made my personal position very clear on innumerable occasions in this place about the use of regulatory powers and I think that we, as legislators, give ministers far too much scope to make law through regulation. Indeed, it started as a habit and it has become the modus operandi of this government to abuse the power that the parliament gives ministers to make regulations.

There is a clause in the relevant subordinate legislation that supported that legislation which allows the minister to promulgate a regulation and have it come into effect forthwith rather than waiting for the parliament to go through the process of having an opportunity to disallow it by the minister simply making a statement as to why he needs the regulation to come into power forthwith.

Again, I argue that that power would only be used under extraordinary circumstances or if you had a lazy government that failed to keep abreast of its responsibilities and all of a sudden had to make haste to make a new regulation. It seems that that is the situation we have. It is common practice today that virtually every regulation signed off by ministers of this government is brought into effect forthwith. That is not the way the parliament established the opportunity for ministers to make law; it is not what the parliament originally intended.

The parliament should have a serious look at the fact that ministers of this government have regularly abused the process. For many of the opportunities we give ministers to make regulations we should actually say 'No, put that in the act and if you want to vary it bring it back and argue the case in the parliament.' We would be doing our work as legislators to much greater effect if we legislated in that way rather than the way that we do, but I expect that my comments are falling on deaf ears on the other side because it is very convenient for a minister to have almost unfettered powers. It seems to me that the bill before us is, indeed, about to give the minister an unfettered power, but I will await the minister's response on this; he may be able to illuminate me further.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (12:27): I reject the criticism of the opposition and dismiss it as being simply political grandstanding. The person speaking was the member for MacKillop, but they were the words of Adam Bandt, of Richard Di Natale, of Sarah Hanson-Young—they were not the words of a Liberal MP. Then again, the closeness today to the Greens of the Liberal Party is remarkable—and I am not talking about the member for Stuart, I am talking about the member for MacKillop.

I just wish that rank and file Liberal Party members would be here to see the former shadow minister and deputy leader of the opposition—the former shadow minister for mining—get up and say, 'You're granting an extension to an indenture that he agreed to 10 years ago to a company that makes steel in South Australia from iron ore mined in the Middleback Ranges.' I just wish that they were here to see the modern Liberal Party; I wish they were here to see it today. And I have to say I am proud that I am a member of a political party that stands alongside industry, that puts jobs and prosperity ahead of the ideological whims of minorities that the member for MacKillop seeks to represent.

Ms Chapman: Did you forget Bill Shorten?

The Hon. A. KOUTSANTONIS: I am a member of the Weatherill Labor government, and I stand on our record; I am proud of our record. I am proud of our record of environmental management, and I am proud of our record of supporting industry. But I hear the words opposite and I look up at Sir Thomas Playford and I look across the chamber and I wonder whether he would recognise them. I wonder whether he would recognise them.

Also, I want to thank the shadow minister for his qualified support for Arrium and just point out a few things to the house about the criticisms levelled at the government about this process. I will say at the outset that given what is occurring with commodity prices globally and what is occurring to Arrium, there is a sense of urgency about this legislation.

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: I think there is, yes. I think there is a sense of urgency. But I will say at the outset that the Department of State Development is able to facilitate any briefings or information the opposition requires. It is my understanding that the opposition agreed on the evening of Friday 28 August to be provided with a phone briefing on the Arrium environmental authorisation extension by the Department of State Development and the Deputy Chief Executive, Dr Paul Heithersay. This was in lieu of a face-to-face briefing. The intent of this briefing was to ensure that the opposition was sufficiently informed as to take a position to the Liberal Party room on Monday 7 September.

Mr van Holst Pellekaan interjecting:

The Hon. A. KOUTSANTONIS: I am just saying what I am advised. I am just saying that is what I am advised. I am advised that Dr Heithersay conducted this briefing at 8.30am on Tuesday 1 September as arranged, during which the importance of having a party position secured before the parliament resumed so that the bill could proceed without delay was discussed. Following that briefing I am advised that Dr Heithersay subsequently arranged for information to be provided to the opposition by Arrium that indicated the company was working with the EPA towards an EPA issued licence. I am advised that despite this arrangement, Dr Heithersay was contacted on 4 September when he was informed that the opposition was unable to put a position to the party room and a subsequent written version of the phone briefing was required. This was provided by email on Friday afternoon.

Mr van Holst Pellekaan interjecting:

The Hon. A. KOUTSANTONIS: I am not disputing the opposition's version of events, I am putting the government's version of events. On Monday evening the opposition was advised that, while the Arrium environmental authorisation was discussed at the party room, a position on the proposed legislation could not be reached as members were not provided with an advanced copy of the bill—in advance of the Labor caucus. I have a responsibility to my caucus colleagues as well to show them bills before they are debated. A copy of the bill was subsequently provided by email, after which members of the opposition were nominated to be on a select committee to be appointed on the morning that the bill would be introduced to the house. Just before parliamentary proceedings began this morning, I am advised that the opposition requested that to proceed to a select committee they would need to delay it to contribute to the second reading debate, which is entirely appropriate, and this request was accepted.

Given the urgency of this bill and to ensure that we are able to proceed with the debate, I would again like to offer the opposition all of our assistance in ensuring that all of the information they require is afforded them. I also say that I suspect that the Deputy Speaker will declare this a hybrid bill.

The DEPUTY SPEAKER: I may not.

The Hon. A. KOUTSANTONIS: Well, then we are in serious trouble. Then there will be a select committee which the opposition will be on and can ask many questions, and then they will be afforded further opportunity here for witnesses, and then of course there will be a debate in the other house. So, while I accept that the time lines are tight, I do not accept that the government is trying to railroad this through the parliament. I do not accept that we are not supportive of democratic principles and I do not accept the criticism of the member for MacKillop, former deputy leader and

former shadow mining minister, about the way we treat mining companies and the way we treat Arrium. I will just say this: this country should make steel, and we should support companies that want to make steel in Australia. No argument from opposite, okay.

Mr Williams interjecting:

The Hon. A. KOUTSANTONIS: Oh, and no argument from opposite—okay.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Well, the world is a difficult place, and there are competitive advantages that other countries have over Australia. We are doing everything we can to give an Australian-based company, employing Australians making steel, the ability to continue to make steel. Quite frankly, I would have thought that every member of the Liberal Party of South Australia would be in lockstep with the Australian Labor Party on this issue, and then we would be debating this with other members who do not believe that we should be living in an industrialised community.

While I thank the shadow minister for his support in steelmaking in this country and in the state, I reject categorically the member for MacKillop's remarks about environmental approvals and, quite frankly, the good corporate citizen that Arrium is. To try to make a distinction between Kimberly-Clark and Arrium, two very different industries, two very different processes, and in two very different parts of the world, and to say that somehow Kimberly-Clark are better corporate citizens because they want to have an EPA-issued licence rather than an indenture, what does that say about BHP? What does that say about every other indentured industry in this state? What does that say to companies that are investing in this state that have indentures, who are reading this debate, about what members opposite are thinking about indentured agreements? That means sovereign risk.

I think members opposite should think very carefully about the remarks they make in this parliament about companies that are investing hundreds of millions of dollars employing thousands of South Australians in this state about indentures. Indentures began under Sir Thomas Playford and he did a good job in bringing them about, and we support them and I hope members opposite would also.

Bill read a second time.

Mr van Holst Pellekaan interjecting:

The DEPUTY SPEAKER: I am on my feet, which means everyone has to sit down and listen.

Mr VAN HOLST PELLEKAAN: When do I have a chance for a third reading speech, Deputy Speaker?

The DEPUTY SPEAKER: When we get to it, I presume. When the report of the select committee returns.

Ms Chapman: Aren't we going into committee first?

The DEPUTY SPEAKER: No, I am about to read something, so if you let me read it you will be able to hear and make a decision about what I am about to say. The bill is designed to provide regulatory certainty to Arrium Ltd (formerly OneSteel Manufacturing Pty Ltd) who operate the Whyalla steelworks. The regulatory certainty provided by the bill is to extend by a further 10 years the environmental authorisation granted to Arrium Ltd under the Environment Protection Act 1993.

While the Whyalla Steel Works (Environmental Authorisation) Amendment Bill 2015 by its nature is a private bill, it has been introduced by the government and therefore the application of the joint standing orders as they apply to private bills is not relevant. This leaves the provisions of the joint standing orders as they apply to hybrid bills.

The joint standing orders provide for two forms of hybrid bills. The first is a bill introduced by the government, whose object is to promote the interests of one or more municipal corporations or local bodies and not those of municipal corporations or local bodies generally. The second is a bill

introduced by the government authorising the granting of crown or wastelands to an individual person, a company, a corporation, or a local body.

Clearly, this bill does not fit the second category, but it does fit the first because Arrium Ltd, who operate the Whyalla steelworks, satisfies the definition based on precedent of a local body encompassing a corporation or company that has some benefit of, or operating within a confined geographical locality. Based on the precedents established by this house and the consistent application of the joint standing orders and the principles that guide the consideration of such bills, I rule the bill to be a hybrid.

Referred to Select Committee

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (12:38): I move:

That this bill be referred to a select committee pursuant to joint standing order 2.

Motion carried.

The Hon. A. KOUTSANTONIS: I move:

That a committee be appointed consisting of Mr Hughes, Mr Odenwalder, Mr van Holst Pellekaan, Mr Williams and the mover.

Motion carried.

The Hon. A. KOUTSANTONIS: I move:

That the committee have the power to send for persons, papers and records, to adjourn from place to place, and that the committee report on 22 September 2015.

Motion carried.

The Hon. A. KOUTSANTONIS: I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication, as it sees fit, of any evidence presented to the committee prior to such evidence being reported to the house.

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

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

Motion carried.

Parliamentary Committees

SELECT COMMITTEE ON THE WHYALLA STEEL WORKS (ENVIRONMENTAL AUTHORISATION) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (12:40): By leave, I move:

That the Select Committee on the Whyalla Steel Works (Environmental Authorisation) Amendment Bill have leave to sit during the sitting of the house today.

Motion carried.

Bills

STATUTES AMENDMENT AND REPEAL (BUDGET 2015) BILL

Committee Stage

In committee.

(Continued from 8 September 2015.)

Clauses 1 to 30 passed.

Clause 31.

Mr WILLIAMS: I take it that the minister has had the opportunity to be apprised of the matter I raised in the second reading debate yesterday? No? I will recap briefly. Clause 67 was introduced into this piece of legislation, I understand, in early 1990. In his second reading explanation, the then minister, one Frank Blevins, gave a bit of background to clause 67 because it appeared, I understand, as clause 66ab in a previous piece of legislation. On page 686 of the *Hansard* of 21 March 1990, he said:

> Section 66ab was enacted in 1975 to counteract the tax avoidance practice of dividing land into smaller portions to avoid increased rates of stamp duty on higher value transactions. The same problem has again arisen but in relation to other property, such as businesses and units in a unit trust.

I read that in because it gives the clue to the ill that this clause, now clause 67, was trying to correct, namely, that the rate of stamp duty payable on property transactions increases with the increase in value of the property.

It seems that in previous times, but before the enactment of that particular section, landholders who owned a property that had more than one title to it would, in selling that property, sell it with contracts title by title, one at a time; thereby, each individual transaction attracting a lower rate of stamp duty than they would if they were all sold under one instrument and the total value was rated for stamp duty. That was the ill that the original legislation set about correcting.

At the time of the 1990 debate in the house on section 67 the opposition spokesperson, Stephen Baker, moved an amendment. He moved the amendment to clarify section 67 which he believed had some ambiguity to it. I will not read out the amendment that he proposed but it was not supported by the government, with Mr Blevins opposing it. I quote now from page 880 of the *Hansard* of 27 March 1990 where Mr Baker said, amongst other things, the following:

> We are trying to avoid the situation where a person in good faith happens to buy adjoining properties which are under separate ownerships. That is they are buying properties which are adjoining but from different vendors.

He went on to say:

> I would be astounded if the minister said to me that, in the situation of a person buying a property which is vaguely related from two separate individuals, there should be an aggregation of the property values for duty purposes.

That is, 'vaguely related' being that they were next door to each other. The minister, the Hon. Frank Blevins, in response to that said, amongst other things:

> Where a person enters into two quite separate contracts to buy land—it may be adjoining but under separate ownership—they are not covered by proposed new section 67. There are clearly two separate contracts bought from two separate people, and this section would not apply. It does not apply now and it will not apply in the future. It has never been and will not be a problem—

He went on to say—

> assuming that Parliament passes this Bill substantially as it was introduced. So the answer is 'No,' the Deputy Leader need have no fears that genuine separate contracts will be touched by this Bill, because that is not the intention of the legislation.

I was approached by a constituent recently who happened to have purchased three adjoining properties from three different vendors and, lo and behold, the conveyancing company (I need not mention the name of the solicitor) sought a ruling from Revenue SA. The ruling comes back with regard to it and it names the property so I will not go to that. It states:

> Reference is made to your letter of 2 March 2015, my email of 5 March 2015, and your subsequent letter of 16 March 2015 in relation to a request for a private ruling on a matter that has taken place and the potential that section 67 of the Stamp Duties Act 1923 applies. From reviewing your submissions and the previous Crown advice this office is of the opinion that the factors for applying section 67 of the Act far outweigh the factors for not aggregating the transfers. There seems to be an essential unity of purpose in purchasing the three properties and the way it has been structured.

It goes on to say that as a result the stamp duty would be such and such an amount, which is $12,340 more than what was paid, and would be payable if the transactions were handled separately. I understand that the same purchaser has subsequently bought another piece of adjoining land from a fourth vendor and I am not sure how that transaction has been treated by Revenue SA.

To my mind, the law as enacted in 1990—and I have been through the act and looked at the history and I can see no other amendments to section 67 other than to delete certain subparagraphs to that section, so it would not impact on the undertaking given by minister Blevins in 1990. I can see no reason or no authority from this parliament to change the situation whereby the commissioner could indeed amalgamate the separate values of properties being transferred from different vendors to one purchaser. Notwithstanding that, I find that a document which is a guide, particularly for conveyancers from Revenue SA, 'Stamp Duty Document Guide', dated February 2008 suggests that:

> Section 67 of the SD Act can apply where the two or more documents have—

There are four dot points and the one I think that is relevant is:

- different transferor(s) and the same transferee(s);

That is certainly not what the parliament was told in 1990 when the bill passed through this house. I remind the house that the Hon. Frank Blevins said, when asked that specific question:

> Where a person enters into two quite separate contracts to buy land—it may be adjoining, but under separate ownership—they are not covered by proposed new section 67. There are clearly two separate contracts bought from two separate people, and this section would not apply. It does not apply now and it will not apply in the future. It has never been and will not be a problem…

He went on to say:

> So the answer is 'No', the Deputy Leader need have no fears that genuine separate contracts will be touched by this Bill, because that is not the intention of the legislation.

My question to the minister is: on what authority is the Commissioner of Stamps amalgamating the valuations under such circumstances?

The Hon. A. KOUTSANTONIS: God forbid a politician was wrong. We rely on crown law advice, and whatever the intent of the act was the words are the important aspect here and they are interpreted for us independently of what you and I may think or the parliament's intent, and courts and lawyers give us advice. We take that advice and that is the outcome. If the member is not satisfied, move an amendment, but regardless of the intent that is the outcome of that clause.

I want to read out some advice that I have received to you, but I understand your frustration. There are many times I have heard politicians say, 'The outcome will be this' and you have received the legal advice and the legal advice says, 'Yes, draft the bill this way. This will be the outcome.' You use your second reading speech and you say, 'This is what we are intending to do with this legislation,' then it goes off somewhere else and a court says, 'That's a lovely intent you had, but the legislation actually means this,' and that is what has happened.

As much as I have respect for your legal opinion as a standing JP of, I think, nearly 20 years, the reality is we take independent crown law advice, and the independent crown law advice gives the commissioner the ability to do that. The moment that advice changes, he will change his practice. This is not the government attempting to change a law without reference to the parliament. This is advice that was provided incorrectly to the parliament at the time—not intentionally, unintentionally, but the outcome is the examples you have shown to the parliament.

I am advised by the commissioner that section 67 of the Stamp Duties Act 1923 (the act) has always been the subject of some dispute between the commissioner and taxpayers; that is, me, you and him. In 2000, RevenueSA received comprehensive advice in relation to the application of section 67—comprehensive advice. That advice is applied to this day and is the basis upon which RevenueSA has issued its document guide to section 67 of the act.

The advice in 2000 made it clear, I am advised, that it was permissible to refer to *Hansard* for assistance with the interpretation of an amendment if its meaning is unclear. However, the advice went on to say that *Hansard* could only be evidence as to what was the intention—which is something I do not like either—of the government but cannot be conclusive as to the amendment's proper meaning. The advice also confirmed that section 67 is not limited to contract splitting and can sometimes apply where the vendors of two parcels of property are not the same. In all cases, the making of an assessment under section 67 requires more than a mere application of a checklist of its features.

The test to be applied is whether in all circumstances there is a relationship or a connection or an interdependence between the transactions that gives them the required unity of purpose, and this makes it necessary to ascertain the intentions of the parties in entering into several contracts. In the objections that the commissioner has been successful in, there has been an additional factor which has served to tip the balance in order to establish the essential unity required for this section to apply.

The commissioner has been successful, for example, in relation to an objection where the vendors were not identical but where the properties in question are intended to be used for a singular purpose. Each matter must be assessed on its own facts and circumstances, however, to ascertain whether the essential unity exists. The commissioner is bound to follow past advice in relation to this issue and must interpret the words of the statute as they stand. So, do not blame the commissioner, do not blame the late Frank Blevins, blame the act, is my advice to the member.

If a taxpayer, your constituents, are dissatisfied with the commissioner's application of section 67, they may seek a review of that decision on objection and then potentially may appeal to the Supreme Court, which is independent of this parliament. I refer honourable members to the RevenueSA Stamp Duty Document Guide which contains a number of useful examples in how the commissioner may treat matters under this section.

The member has resources. He has the ability to draft amendments. If your complaint is on the interpretation of the act or of the words, I cannot assist you. If you want to make it clearer, parliamentary counsel will draft your amendments, you can put them to the parliament—the bill is open—and do so. I understand your frustration, I do, but, unfortunately, it is not the individual's fault, it is not the officer's fault: it is a failure of the legislation to match the intent of the original mover.

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:00.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Message from Governor

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

PARLIAMENTARY REMUNERATION (DETERMINATION OF REMUNERATION) AMENDMENT BILL

Message from Governor

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

Parliamentary Procedure

ANSWERS TABLED

The SPEAKER: I direct that the written answers to questions be distributed and printed in *Hansard*, and any interjection by the leader would be otiose.

Ministerial Statement

SA/NT FIRST MINISTERS' FORUM

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:03): I seek leave to give two ministerial statements.

Leave granted.

The Hon. J.W. WEATHERILL: South Australia has a special relationship with the Northern Territory and last week, as part of building that relationship, the Chief Minister of the Northern Territory, Adam Giles, and I held the inaugural First Ministers' Forum in Alice Springs. The forum is the latest strengthening of the relationship between our governments and follows the signing of a memorandum of understanding in April this year. Our shared experience, coupled with complementary strengths and shared challenges, makes coast-to-coast cooperation a tremendous

opportunity for mutual growth. Together we can promote the complete outback experience and our state and territory have many international level tourist attractions.

This opportunity can be capitalised upon by promoting the Adelaide to Darwin journey as the great Australian road trip, a journey of similar standing to the Great Ocean Road. In the global tourism market, there is a tremendous demand for natural experiences, but also a need to couple those with sophisticated urban experiences. Together we have agreed to collaborate on the tourism marketing campaign that will promote adventure tourism focusing on, amongst other things, our unique offerings of crocs in the north and sharks in the south.

The First Ministers' Forum provided the opportunity to discuss in detail a range of topics of mutual concern, and I am pleased to inform the house that we agreed to jointly tackle a number of cross border and national issues including:

- pursuing a collaborative approach to the issue of feral camel numbers on both sides of the border, including the joint funding of a study into the economic viability of commercial uses of camels;
- improved coordination of policing to tackle the trafficking of drugs like ice across the border;
- working together on mining regulations to ensure both jurisdictions present an attractive regulatory regime for potential investors; and
- ways to continue the rollout of telehealth services across the two jurisdictions to improve health outcomes, particularly in remote communities.

Additionally, we discussed the national leaders' summit and the work our jurisdictions lead relating to early childhood education, including my proposal to include three year olds in preschool. We also considered the Northern Territory intention to establish a pipeline to connect central Australian gas reserves to the rest of the nation. We agreed on the importance of retaining the current system of distributing revenue from the GST which is internationally recognised as the most equitable and productive method of revenue distribution.

There is much to be gained through collaboration between our two jurisdictions. Significant progress has already been achieved, and I look forward to this continuing at the next forum planned for early next year.

SHANDONG-SOUTH AUSTRALIA ACTION PLAN

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:06): It is also my very great pleasure to extend through the parliament a warm welcome to Shandong party secretary, His Excellency Mr Jiang Yikang, who arrived in Adelaide for his first visit to South Australia. Accompanying the party secretary is the largest ever delegation of Shandong businesses to our state.

For 29 years, Shandong and South Australia have enjoyed a fruitful sister state relationship supporting cooperation in many areas of business, research, development, government administration and education. Shandong now sees South Australia as the window into Australia. Equally, Shandong is connecting South Australia with new markets across China. In the most recent chapter of our friendship, I led the largest ever business delegation to Shandong in May. As a result, 25 new MOUs were signed in Shandong and $335 million in investment between businesses was unlocked.

Last night at the official dinner at the Adelaide Convention Centre, over 150 business delegates witnessed the party secretary and I signing the Shandong-South Australia Friendly Cooperation Action Plan (2015-2018).

The plan establishes a framework to further progress our relationship into areas of mutual economic and cultural benefit. It responds to the willingness of both sides to elevate our relationship. Through consultation, the plan has reached consensus between our regions, with particular emphasis to:

- build a new model of sister state/province relationship under the framework of the China-Australia Free Trade Agreement;
- enhance education exchanges and research and development cooperation;
- deepen agricultural exchanges and cooperation;
- expand investment and trade cooperation, including South Australia facilitating market entry of noncompeting premium Shandong products by supporting 15 Shandong companies every year into agricultural produce, textile, garment, articles of daily use, sports and fitness equipment, and agricultural machinery using South Australia as a window to access the wider Australian market. Shandong will support South Australia in delivering its economic priority to create new exporters every year. Specifically Shandong will offer distribution and network channels to a minimum of 20 export ready companies to export to China every year. South Australia and Shandong will work towards a South Australian products distribution centre in Shandong once conditions permit.
- cultural, arts, sports and tourism exchanges;
- promote mining cooperation;
- cooperate on health, aged care and disability services; and
- cooperation on urban planning and architectural design.

There will also be direct opportunities for more than 150 business delegates who have joined His Excellency on the trade mission, with highlights in fields including: health, agribusiness, the Shandong exhibit at the Royal Adelaide Show, education and tourism. Also, 18 Shandong county mayors will be provided with a three-week urban renewal and modernisation training program. This program will be offered again in 2016 and 2017.

In 2016, we will once again return to Shandong to commemorate the historic 30th anniversary of the Shandong-South Australia sister state relationship. To mark the 30th anniversary, the Minister for Investment and Trade will investigate:

- hosting a friendship sports match or cup, particularly investigating soccer or basketball, or both;
- ensuring Shandong and South Australian businesses are matched to increase investment and trade, including through risk control support and dedicated in-country resources;
- establishment of a product distribution centre in Shandong; and
- a role for the Amazing Ambassador and future student ambassadors to engage with the community to identify local activities and celebrations that best respect our long friendship.

I look forward to our continuing friendship and partnership with Shandong and to celebrating our next milestone, the 30th anniversary of the sister state relationship.

Parliamentary Procedure

AUDITOR-GENERAL'S REPORT

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:11): I move:

That the Auditor-General's Report entitled Examination of the local government indemnity schemes Report September 2015 and the House of Assembly's Registrar of Members' Interests—Registrar's Statement June 2015, tabled yesterday, be published.

Motion carried.

Ministerial Statement

INDIA TRADE

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:11): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.L.J. HAMILTON-SMITH: Advancing the government's economic plan includes the promotion of our state's international connections and engagement. South Australia has always been an economy driven by exports of our goods to international markets and attracting capital from international investors. As part of our re-energised and renewed trade and investment action plan, we have elevated our engagement with India, a large emerging economy in our region with which we share common historical, cultural and political bonds.

As Minister for Investment and Trade, I recently led our state's largest ever delegation to India, from 9 to 15 August, with 41 business representatives, four industry association representatives and 13 educational and cultural delegates. Our program included key industry sectors:

- food, wine and agribusiness;
- for the first time, defence, aerospace and advanced manufacturing;
- education, tourism, culture and sport;
- water and environmental management; and
- health, amongst others.

The Department of State Development continues to successfully partner with the Department of Foreign Affairs and Austrade to deliver commercial outcomes in India for South Australian businesses.Thanks must go to Australia's High Commissioner Patrick Suckling, Senior Trade Commissioner Nicola Watkinson, Consul-General in Mumbai Mark Pierce and their staff for supporting the South Australian team.

Our delegation covered Mumbai, Delhi, Jaipur and Bangalore, with business matching, round tables and networking. While many new doors were opened, the mission also saw the conclusion of negotiations and agreement struck for a number of our participants, including solar power technology manufacturer HelioStat, Flinders Ranges Premium Grain and the Defence Teaming Centre. New leads were also generated for investment attraction which will be referred to the new investment attraction agency under chair Rob Chapman.

In addition, significant government-to-government relations were fostered, paving the way for the delivery of services in water management, skills development and research collaboration with the government of Rajasthan. I also had the honour of celebrating India's Independence Day with the Chief Minister of Rajasthan, Ms Vasundhara Raje. We identified cooperative action programs for both our governments' collaboration.

An opportunity for provision of environmental management services was identified between KESAB, Green Industries SA and North and South Delhi councils. The KESAB story is a 49-year tale of evolving from a community-based anti-litter campaign to an international player in environmental management. It is a good example of what happens when you start with a local focus and, as your business matures, you raise your eyes to the rest of the world.

On the back of our recent success in India we have invited major investors and senior government representatives to South Australia for the build-up to the T20 Australia versus India cricket game on 26 January 2016, which is both Australia Day and India's Republic Day.

The government of South Australia looks forward to the continuing partnership with India, capitalising on the opportunities identified during this trade mission. We are engaging with key trade partners, working in cooperation with Austrade and giving local businesses a pathway to global

commerce with the goal of creating jobs and enterprise at home. We are, through promoting trade and exports, advancing the state's economy, creating jobs and building wealth.

Members interjecting:

The SPEAKER: I call the leader to order and I call the Minister for Industry and Trade to order.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan) on behalf of the Minister for Education and Child Development (Hon. S.E. Close)—

Dame Roma Mitchell Trust Fund for Children and Young People—Annual Report 2014-15

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan) on behalf of the Minister for the Public Sector (Hon. S.E. Close)—

Public Sector Code of Ethics, South Australian

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:17): I bring up the 12th report of the committee.

Report received.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today students from St Joseph's School, Tranmere, who are guests of the member for Hartley; students from St Joseph's Primary School at Kingswood, who are guests of the member for Waite, the Minister for Veterans' Affairs; and students from the Adelaide Secondary School of English, who are guests of mine.

Question Time

MENTAL HEALTH

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): My question is to the Minister for Mental Health and Substance Abuse. Can the minister detail to the house why mental health was left out of the Transforming Health process?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:18): Well, it wasn't. We have had a parallel process with regard to mental health. In particular, I made quite clear that mental health patients spend far too long in our emergency departments, and I am determined to see that reduced. We have had a body of work going on within the Central Adelaide Local Health Network dealing with patient flow through the mental health service. So, it's simply not true to say that it has been left out of Transforming Health; it is a key part of it.

MENTAL HEALTH

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): I thank the minister for his answer. Earlier this year, on 4 February, the minister, talking about the mental health reform agenda, said that, and I quote, 'basically, it's a body of work that needs to be done by this winter'. Given that winter has come and gone, can the minister update the house on what was the outcome of that reform agenda?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:19): The

improvements in patient flows through Central Adelaide, with the work that's been done there, have been significant, and am more than happy to brief the house. When I've got that information in front of me, I can detail exactly the improvements that have been made with regard to the work we've done in Central Adelaide, but there has been significant improvement in that area.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is called to order. The leader.

MENTAL HEALTH

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): Given that the minister has just outlined to the house that there has been significant improvement in the Central Adelaide health system, can he perhaps provide an explanation as to why there were 16 patients over capacity in the Central Adelaide system as of 11.30 this morning?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:20): I presume the Leader of the Opposition is referring to mental health patients. We did over the weekend and late last week have a significant surge in the number of mental health patients who were presenting to our health system. We have had mental health patients being delayed in emergency departments, because in a very short period of time, over a couple of days—I'll get the exact statistics for the Leader of the Opposition if he's interested—but in a very short period of time we did have a significant number of mental health patients presenting for treatment to the emergency departments across the system and, yes, there were some delays for those mental health patients being processed through the ED and into mental health beds.

MENTAL HEALTH

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): Just on this issue of the Central Adelaide mental health backlog, can the minister explain why this problem has existed for some time? In fact, analysis shows that some 75 per cent of the mental health patients who are stuck in emergency departments waiting for an inpatient bed come from just two hospitals: The Queen Elizabeth Hospital and the Royal Adelaide Hospital. What active steps is the minister taking to address this chronic problem?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:21): The active steps that we're taking is rolling out short-stay wards which have been demonstrated to be very effective in improving the flow of mental health patients through our emergency departments. We've got now a short-stay ward at the Royal Adelaide Hospital and the Flinders Medical Centre, and we are investigating the possibility of rolling out short-stay wards to at least two other locations at the moment, and I hope we can make a decision about that very, very shortly.

I think with regard to the issues we've had in mental health, when we implemented the Stepping Up report certain assumptions were made about the ability of ICC beds to be able to substitute acute care beds, which I think have proven to be misplaced, and we do need to have another look at that. We also need to look at how our ICC beds work to make sure that the chronic-type patient, who tends to have a very long length of stay in acute beds, is transferred into ICCs where they can be better looked after so that the acute bed can be released for a patient who is waiting in the emergency department. This is a body of work that's been going on, and we are implementing these changes.

MENTAL HEALTH

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:23): Does the minister stand by his commitment made on radio earlier this year that by January next year no patients will be waiting for a mental health bed for more than 24 hours in our emergency departments, and how are we tracking against that commitment that was made in February this year?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:23): Of course I

stand by it. There's no reason why I would change it. If I was to change it, I would announce it. We have had had significant improvements—

Mr Pisoni interjecting:

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

The Hon. J.J. SNELLING: We have had significant improvement in patient flow through the emergency departments, and I'd like to thank everyone who has been involved in seeing the improvements we have seen. We still have some way to go. I am determined that my commitment will be met and I'll be doing everything I can to make sure it is met, and I'll be holding people accountable if my commitments are not met.

MENTAL HEALTH

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:24): Just for clarity, is there going to be a specific mental health or transforming mental health document that is put out for consultation, or is this just something that occurs within the normal operation of the department?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:24): Well, there are a number of documents with regard to mental health, but certainly I don't think mental health patients in emergency departments are too worried about seeing a document. I don't think our doctors and nurses are too worried—

Mr Marshall interjecting:

The Hon. J.J. SNELLING: I don't think—

Mr Marshall interjecting:

The Hon. J.J. SNELLING: I won't be lectured by the Leader of the Opposition about health reform. I will not be lectured by someone of his moral fibre about concern for mental health patients. I will not be lectured by the Leader of the Opposition, but the simple fact is that we do need to change and improve the flow of mental health patients through the system. As I have repeatedly said, it is completely unacceptable for a mental health patient to have to wait more than 24 hours before admission into an acute care bed. We are taking a number of steps to make sure the commitments I have given are met.

INTERNATIONAL TRADE

The Hon. P. CAICA (Colton) (14:25): My question—

Ms Chapman interjecting:

The Hon. P. CAICA: Was that directed at me, Vickie?

Members interjecting:

The Hon. P. CAICA: Wide awake! My question is to the Minister for Investment and Trade. What funding assistance does the government offer businesses seeking to attend international trade shows?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:25): I thank the member for Colton for his question. The government uses a number of strategies to incentivise and support investment and export activity, because this government understands the importance of international markets to growth in our states—

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: —something the laughing, chortling Leader of the Opposition knows nothing about. We've paid particular attention to the China, India and South-East Asia—

The SPEAKER: The minister is warned.

The Hon. M.L.J. HAMILTON-SMITH: —markets in the first instance with our outbound missions because these are emerging economies with high-growth trajectories. These are economies where the potential for greater two-way trade has been held back by a number of factors.

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: The state government, therefore—

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: —has an important role—

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: —in supporting businesses to—

The SPEAKER: Point of order.

The Hon. J.W. WEATHERILL: Mr Speaker, can I take a point of order? As attractive as it is to see these two former Titans of the Liberal Party going at it hammer and tongs across the chamber, I would like to hear my minister give his ministerial statement.

The SPEAKER: Answer his question.

The Hon. J.W. WEATHERILL: Answer his question.

Ms Chapman: What happened to his codes for ministers? It's disappeared.

The Hon. P. Caica: Oh, shut up, will you? Be quiet. Just be quiet for a while.

The SPEAKER: The member for Colton is called to order. Indeed, I forgot to issue the warnings from the last round. I call to order the members for Davenport, Kavel, Hammond and Hartley, and I warn for the first time the leader and the deputy leader. Before the minister resumes, I have allowed ministers sometimes to heap buckets on the leader in answers when he has provoked them, but on this occasion, I believe the provocation is from the minister and, like the Premier, I would like to hear the answer.

The Hon. M.L.J. HAMILTON-SMITH: Thank you, Mr Speaker. The state government has an important role in supporting business to overcome barriers by facilitating inbound and outbound trade missions to match businesses and establish contracts. We've seen multimillion dollar deals emerge from these missions as recently as today, because in the past 24 hours, we've seen more significant agreements struck for mining, agriculture, dairy, aged care, health services and medicine.

The government also operates an export partnerships program which allows businesses to seek matched grant funding of up to $50,000 for export activity. The program underwent a significant reform this year, removing restrictions on exporters' applications including a doubling of the available funds from $25,000 to $50,000; removing the caps for individual activities including research in overseas marketing materials, export training and mentoring and international trade participation; reducing the minimum turnover threshold requirement from $150,000 to $100,000; and allowing companies to apply for grants on multiple occasions up to a total of $50,000.

That is why—and I have repeated the facts today—I was interested to read about 'alternative plans' for export growth in the state from the Leader of the Opposition. If a business wanted to go to a trade show in Malaysia for $100,000, as was suggested by the Leader of the Opposition, when he said:

> We'd put in 50 grand and say, 'You put in 50 grand.' We'd have a sum of money, where people put in innovative ideas matched with their own expenditure, in markets they've defined for themselves. We'd let businesses themselves determine where their product offering has the best opportunity, and we'd put very few restrictions on it,

then that is exactly what the government has done. It sounds extraordinarily like the Export Partnership Program. A briefing is available if requested.

If a South Australian export business wants to prepare products or prepare for attendance at or attend, in Malaysia, an export event for $100,000, they would be able to do exactly that, using our program, for half the funding. We will provide half and they will provide half. So much for the alternative plan. The only thing is, you announced it a year after we introduced it; that's the only thing

about the alternative policy. It is a good idea—if you are going to have one—to get out there first. It has already been in place for over a year, and a briefing is available if members—

Members interjecting:

Ms CHAPMAN: Point of order, Mr Speaker. The minister is accusing you of publishing certain documents—

The SPEAKER: I uphold the point of order. In the pause I call to order the members for Chaffey, Adelaide and Mount Gambier. Minister.

The Hon. M.L.J. HAMILTON-SMITH: Thank you, Mr Speaker. I just remind members opposite that over 200,000 jobs in South Australia depend on exports either interstate or overseas. I encourage exporters to apply for an Export Partnership Program grant. This government stands ready to partner with them. We are right now; we have taken dozens and dozens of them overseas. Just talk to them and you will be informed. We are out there creating jobs and getting on with the job in very difficult economic times.

Members interjecting:

The SPEAKER: I warn for the first time the members for Chaffey, Mount Gambier, Hartley and Hammond.

CENTRAL ADELAIDE LOCAL HEALTH NETWORK

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32): My question is to the Minister for Health. Further to answers he provided in the previous questions regarding delays for accessing mental health inpatient beds in the Central Adelaide region, is the minister aware that there are also significant delays in accessing urgent category 1 elective surgery in the Central Adelaide Local Health Network?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:32): I am more than happy to make comparisons between this government's record on elective surgery and the previous government's. The simple fact is that as at 30 June we had no overdue elective surgery; we have got through the year and completed all our elective surgery lists within the clinical recommended times, a result of which we are very, very proud.

Of course, in coming out of winter we have had to postpone some elective surgery. There is nothing new in that. It is an unfortunate but regular occurrence in wintertime, whatever government is in office. It sometimes has to happen that in order to create capacity in the system when you have people turning up to our emergency departments or in need of hospitalisation, we do have to create capacity. However, I am very confident that as in last year—and, I am pretty sure, the year before that—we will end the year with no overdue elective surgery.

CENTRAL ADELAIDE LOCAL HEALTH NETWORK

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): Can the minister provide some explanation to the house as to why over 85 per cent of the category 1 urgent elective surgery that has gone beyond the 30-day mark is from the Central Adelaide Local Health Network, that is, The Queen Elizabeth Hospital and the Royal Adelaide Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:34): I am more than happy to get a report back from my department as to why Central Adelaide might be overly represented—if, in fact, it is. However, that is something I will get some information on.

An honourable member interjecting:

The Hon. J.J. SNELLING: You always have to be careful coming in to this place when the opposition starts producing statistics, because more often than not it is wrong. Nonetheless, I am more than happy to have a look and, if it is the case—

Members interjecting:

Mr VAN HOLST PELLEKAAN: Point of order: debating the substance of the question.

The SPEAKER: The Treasurer is called to order. Minister.

The Hon. J.J. SNELLING: I am more than happy to have a look. It may well be that simply because Central Adelaide does a significant proportion of the elective surgery in the system that may be one of the reasons. It may well be that we've had to postpone more elective surgery within Central Adelaide. You have to remember, sometimes elective surgery is cancelled because the patient initiates the cancellation for the elective surgery. This is one of the reasons why we are trying to make reforms in our hospital system because we know that there are better ways to do elective surgery.

We know that when you separate your elective surgery from your emergency surgery you have fewer cancellations. You have greater reliability that elective surgery can happen without cancellation when you stream it. That is why today we have been very happy to announce that we will be building two additional operating theatres, larger operating theatres, and refurbishing the pre-operative and post-operative areas of the Noarlunga Hospital, something that the member for Kaurna and the member for Reynell have been agitating as something that is much needed in their electorates.

What that will enable us to do for patients in the south and for people who live in the south is that we will be able to do more elective surgery, we will be able to stream that elective surgery, there will be fewer cancellations and we'll be able to get through those elective surgery lists and get down the number of people who are waiting for elective surgery, get down the waiting lists, which of course is a key thing that we are attempting to achieve through Transforming Health. I am pleased that the opposition is so concerned about elective surgery. It would be great to hear their support for the reforms we're making to some key hospitals to make sure that we can improve our elective surgery results.

CENTRAL ADELAIDE LOCAL HEALTH NETWORK

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:36): Does the situation with extensive delays in accessing inpatient mental health beds and also elective surgery in the Central Adelaide Local Health Network point to broader systemic problems within that local health network?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:37): No, I don't think it does. I'm not sure what the Leader of the Opposition is referring to when he says 'systemic problems'. Of course, Central Adelaide and the Royal Adelaide Hospital is our key quaternary hospital in this state and it is at the front end. The highest acuity cases go to the Royal Adelaide Hospital. It is our major trauma centre. In terms of complexity it has the highest rates of complexity in our state. So, when there are issues there it might just be a reflection of the complexity of the sorts of presentations that go to the Royal Adelaide Hospital. Perhaps if the Leader of the Opposition wants to elaborate on what he is referring to, or what he is hinting at, I would be more than happy to hear it.

CENTRAL ADELAIDE LOCAL HEALTH NETWORK

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): Supplementary: is the Central Adelaide Local Health Network particularly affected as it struggles to complete the new Royal Adelaide Hospital, prepare for the arrival of EPAS and the sacking of a large number of SA Pathology staff, all while awaiting the arrival of the new chief executive officer?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:38): We have appointed a new chief executive officer. She will start shortly. Of course, there is enormous complexity associated with all of the things that are happening at the Royal Adelaide Hospital. The move to the new Royal Adelaide Hospital is a project of considerable complexity. To, basically, move the quaternary hospital in the state from one end of North Terrace to the other end of North Terrace is an issue of significant complexity.

We are also asking our doctors and nurses not only to move hospitals but to adopt new models of care, which they will have to adopt in the new hospital. It will work significantly differently from the existing Royal Adelaide Hospital and all those changes are things of enormous complexity. I think it would be drawing too long a bow then to say that that therefore is the reason for issues with regard to elective surgery and mental health.

Elective surgery waiting lists, dealing with mental health patients and delays in mental health patients in emergency departments are not limited to Central Adelaide, they are not even limited to South Australia, these are problems that governments around the world, Western governments around the world are grappling with: how to deal with an increasing burden of chronic illness and increasing demand for hospital services. This is not something in which Central Adelaide is unique, let alone South Australia.

CENTRAL ADELAIDE LOCAL HEALTH NETWORK

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:39): Supplementary: can the minister outline to the house how many chief executives and acting chief executives the Central Adelaide Local Health Network has had in the past two years?

Dr McFetridge: Take your socks off.

The SPEAKER: The member for Morphett is called to order. The minister.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:40): We have had obviously David Panter, who resigned recently, and then we have had an acting chief executive take his place. Unfortunately, she was not able to act for the entire period we would have liked to have had, so the chief executive of Country Health has been acting in her place. Both of those acting chief executives were stellar chief executives or executives in the health system and have done a fantastic job—both of them far more competent than the failed Leader of the Opposition and I would hold them up above the Leader of the Opposition any day when it comes to competence.

Members interjecting:

The SPEAKER: I call to order the Minister for Health, who made an entirely redundant remark about the leader.

The Hon. J.J. SNELLING: I have enormous esteem for both of these women and, if certain people want to, in a very cowardly way, cast aspersions on two stellar executives and then have the cowardice to deny it, it is quite galling to listen to. I have nothing but admiration for these two women and, when the new chief executive takes her place, she will also be a stellar chief executive in that role. Chief executive of a hospital local health network, I think, is probably one of the most difficult jobs in government, and I think the chief executives and the new chief executive will do a fabulous job in what is a very, very difficult role.

The SPEAKER: Having been a minister, I value loyalty of ministers to their public servants and I understand his indignation that he felt the leader was reflecting on them—readers of *Hansard* will make their own assessment—but it does not give the minister the right to make pejorative remarks about the leader and that is why I called him to order. The leader.

AUSTRALIAN NURSING AND MIDWIFERY FEDERATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:42): Thank you very much. My question is to the Minister for Health. Given that the minister has previously advised the parliament that the government will be funding the ANMF's Transforming Health liaison officer, can the minister explain to the house whether or not he is aware that one of the key skills sought for this officer is the ability to recruit and retain members of that union?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:42): I am more than happy to take that up and have a look at it. I am not familiar with what the job specs have been that the ANMF have put out, but I certainly don't apologise for making funds available to the ANMF. There is no doubt that Transforming Health is going to involve significant complexity for the ANMF and we are going to be asking the ANMF to communicate with their members some significant changes to

the way they do work. We make no apologies for making resources available or funds available to the ANMF to enable them to go about their work and to be able to communicate effectively with their members the changes which we are asking of nurses in the South Australian health system.

AUSTRALIAN NURSING AND MIDWIFERY FEDERATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:43): Supplementary: is the minister suggesting that he is happy for state government funds to be expended on the provision of an officer for the ANMF where it specifically states in their advertisement, in terms of the skills sought, that there must be an ability to recruit and retain members?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:44): I am more than happy to have a look at that and just see but, look, if the opposition want to start attacking the ANMF, that's entirely up to them but, as far as I am concerned—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. J.J. SNELLING: —I am more than happy to make funds available to the ANMF to go about their business representing their members, particularly at a time of considerable change for nurses, considerable change to the way nurses are having to go about their business. I don't resile for one minute making funds available to the ANMF to enable them to do their work representing their members at what is going to be a significantly challenging time as we reconfigure our health system.

An honourable member interjecting:

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

AUSTRALIAN NURSING AND MIDWIFERY FEDERATION

Dr McFETRIDGE (Morphett) (14:44): Supplementary: given the minister's answer, can the minister tell the house whether the Salaried Medical Officers Association, the Health Services Union, the AMA, the Public Service Association or the various general colleges, practitioners and surgeons, will be getting funding from the government to fund their Transforming Health officers?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:45): I am more than happy to give consideration to anyone who comes to us, as the ANMF did, seeking assistance. Of course, it would depend upon the complexity and the issues that they would face, but let's remember, the ANMF is easily the largest industrial organisation that is being affected by changes in Transforming Health and I have no issues at all with our decision to provide them with resources.

AUSTRALIAN NURSING AND MIDWIFERY FEDERATION

Dr McFETRIDGE (Morphett) (14:45): Supplementary: is the minister conducting discussions with the ANMF about changing the enterprise bargaining agreement to reduce overtime and penalty rates?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:45): Not that I am aware of. We have only recently concluded the enterprise bargaining. I think it was last year that we concluded the enterprise bargaining process. Actually, it may have been 2013 that we concluded the enterprise bargaining process. I think it is a three-year EB to my knowledge. It is not up for renegotiation, but if the Liberal Party wants to go to the ANMF and tell them that that is what they have on the table, I will leave that to them.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:46): My question is to the Minister for Health. Given that the minister has outlined to the house that there is a $14 million budget increase for Transforming Health this financial year, can the minister outline to the house how much of that will be spent with the Transforming Health implementation partner?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:46): We are going through a procurement process at the moment so I am not in a position to comment on that until that process is completed.

YOUTH VOLUNTEER SCHOLARSHIP AWARDS

The Hon. S.W. KEY (Ashford) (14:46): My question is to the Minister for Youth and Volunteers. How is the government supporting young people to volunteer in their local communities?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (14:47): I thank the member for Ashford for her question. Our government values our volunteers. They make a significant contribution to local community organisations and groups across South Australia each and every day. We know people volunteer for a range of reasons, whether it is giving back to their local community, feeling connected to their local area, or simply because it makes them feel good.

We also know it is important to support and recognise our volunteers and the Youth Volunteer Scholarship Awards is one way our government supports young South Australians who volunteer their time and talents to help others in the community. The awards provide young volunteers with up to $3,000 to contribute towards the cost of course fees or textbooks associated with their study with a university, TAFE SA or vocational college.

Mr KNOLL: Point of order, Mr Speaker. If you could please check your inbox for me.

The SPEAKER: I thought you had lost your mojo over the winter break.

Mr KNOLL: The point of order is that every piece of information that the minister has uttered is on the website which I have put into your inbox.

The SPEAKER: I will listen carefully to what the minister has to say.

The Hon. Z.L. BETTISON: The department received more than 60 applications from dedicated young South Australians in a diverse range of volunteer roles including the Adelaide Gaol, the CFS, the SES and Riding for the Disabled. This week, 21 young South Australians will receive a Youth Volunteer Scholarship Award, and I am pleased to advise the member for Ashford that two of the recipients reside in her electorate.

The first is Betelehem Dellelegn, a young woman who arrived in Australia as a refugee from Ethiopia. She currently volunteers at the Australian Refugee Association and the City of Unley council as part of their community visitors' scheme which supports residents of aged-care facilities who are socially isolated or lonely and would benefit from a friendly visit. Betelehem is passionate about giving back to her local community and creating a welcoming and inclusive community for those from culturally and linguistically diverse backgrounds. She is studying for a Bachelor of Commerce (Marketing) and will receive $2,000 to assist with her course fees and textbooks.

The second is Kellie Stuart, another young woman who is passionate about animals. She currently volunteers with RSPCA between three and seven hours each week and fits this between her study and personal commitments. Kellie volunteers so that more funds raised for the RSPCA can be allocated towards caring for animals. She is studying a Certificate III in Agriculture and will receive $1,000 to assist with her course fees and textbooks.

Can I congratulate each of the successful recipients of the Youth Volunteer Scholarship Award and wish them the very best for their future studies as well as their volunteering endeavours.

STATUTORY AUTHORITY DIVIDENDS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:50): My question is to the Treasurer. Has the Treasurer given permission to Renewal SA to not pay the $11.6 million dividend to the government, as was identified in the budget for the 2014-15 year?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:50): I will get back to the house and check.

STATUTORY AUTHORITY DIVIDENDS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:51): Supplementary: does the Treasurer recall receiving a letter in late July from the Minister for Housing and Urban Development seeking authority for that dividend not to have to be paid?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:51): I receive lots of correspondence. I am thinking if I remember or not but, to be cautious, I will go back and check and get an informed answer for the deputy leader.

STATUTORY AUTHORITY DIVIDENDS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:51): Supplementary: does the Treasurer have any knowledge of the Renewal SA board decision to seek approval to not have to pay the dividend, as you published in the budget on 18 June?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:51): I wouldn't be surprised if any independent statutory board did not want to pay me a dividend—they always want to keep their money—but, of course, this is the tension that occurs in formulating budgets. I will get back to the house with the detail. Other than to say, it is no surprise that independent statutory boards, when they have surplus funds, wish to use them for what they think is a fit purpose but, ultimately, the cabinet, the budget process and the parliament have the final say on that. I will get you a detailed answer, but I am not surprised if any statutory board, whether it is Renewal SA, the Entertainment Centre or whichever it might be, has a similar view.

STATUTORY AUTHORITY DIVIDENDS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52): Final supplementary on this matter, sir, if I may: does the Treasurer have any knowledge of, or granted any authority for, any other statutory board to not pay its dividend for the 2014-15 financial year?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:52): Again, I do not have that information here with me so I will get you a detailed answer, but I am not going to be rushed into an answer for the deputy leader. I will get a considered response to make sure I have the accurate information for the parliament.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52): A further question to the Treasurer: has the minister been interviewed or provided a statement or documents to the ICAC in relation to the Gillman land deal inquiry?

The SPEAKER: I suspect that question is contrary to law. Deputy Premier.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:53): I think there is a certain amount of material that has been published regarding this matter in the public domain as a result of statements made by Commissioner Lander and I think it is appropriate that, for the time being, that is where the matter remains.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): A further question to the Treasurer: as the Minister for State Development, have you been involved in any presentations to potential investors in the Adelaide Capital Partners Gillman development?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:54): I think I have answered the identical question on a previous occasion.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: Well, I am acting for the government and I can say that I and all of my ministers consistently promote to any international investors the opportunity that exists here in South Australia. If there are opportunities that allow us to promote any of the investment possibilities in South Australia, we don't hesitate to do that. In answer to a question that was asked by the honourable member on a previous occasion—where she raised one of the clauses within the relevant agreement which committed the government in fact to promote elements of the ACP proposal to potential future investors—I said that was no more or less than—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: No, that was no more or less than what we would do for any investor, so it was an easy commitment for us to give. We have put in front of international investors a range of investment opportunities. They consistently involve promoting our oil and gas assets; they consistently involve talking about our ambition for a mining services hub here in South Australia consistent with our strategic plan for South Australia. And, so, no doubt we have in the course of those discussions across a range of our ministries been promoting the ACP proposal—or indeed other proposals in South Australia—which speak directly to our ambitions for being an oil and gas hub for the nation.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55): Supplementary: given the Premier's identification of his government's commitment to make provision and to make the presentations, can he tell us how many presentations have been given in respect of the ACP deal, and, if so, by which ministers?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:56): Look, I do not recall when and where those presentations may have been given, but any international investor that comes to South Australia and that has an interest in these topics, or when we are travelling overseas, we promote consistently a range of opportunities in South Australia, and the ACP proposal is one of a number of them.

I do not have documented the many hundreds of potential investors we promote what South Australia has to offer to them and to their companies. It would be an impossible task, I think, to recall all of the various investors that may be in a room at any particular time when presentations of this sort are given.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:57): Supplementary: if the Premier has made presentations apparently to large audiences and he is not able to identify who is necessarily in the audience, can he at least identify on what occasions presentations have been made to potential investors in respect of this deal; and, if he does not have that information immediately available, that he undertake to bring that back to the house?

The SPEAKER: The deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:57): I will take that as a no. My question is to the Treasurer. Was the Gillman development discussed with oil and gas industry representatives during the minister's trip to Canada in February this year?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:57): Not to my recollection, but it may have been. I can't remember. I will ask my staff. I had a number of meetings when I was in Canada with potential investors in South Australia, but I don't think the Gillman land was specifically discussed but I will check.

What was discussed is South Australia's prospectivity in the Cooper Basin and the offshore bights. What was discussed was our prospectivity in the Otway Basin. What was discussed was that we are held in very high regard by the Canadian Fraser Institute as being one of the world's best regulators and one of the best jurisdictions to invest in this type of industry—one, for sovereign risks, supportive governance, supportive regulatory framework, stable taxation regimes and, of course,

very good regulators. And, I think, there is quite a deal of interest in South Australia, but whether or not there are specifics, I will check and get back.

AIRPORT BUS

Mr WINGARD (Mitchell) (14:58): My question is to the Minister for Transport and Infrastructure. Can the minister confirm that the new 92 seat double-decker airport bus has never carried more passengers on a single trip than would fit on a regular-sized Adelaide metro bus?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:59): Thank you, Mr Speaker. This was a matter which I had the pleasure of discussing on morning radio—

Members interjecting:

The SPEAKER: The minister will be heard in silence. The member for Taylor is called to order.

The Hon. S.C. MULLIGHAN: I must admit, Mr Speaker, I didn't seek a breakdown of the exact patronage of every service that the Jet*Express* JX1 service has been providing and the numbers of patrons on it, perhaps because I presumed the member for Mitchell wouldn't be so lazy and tardy just to follow a story that had been litigated in the media previously—

Mr PISONI: Point of order.

The Hon. S.C. MULLIGHAN: —but, nonetheless I am happy to provide some information.

The SPEAKER: Point of order.

Mr PISONI: 127: imputing improper motives or to make personal reflections on a member.

The SPEAKER: The reference to the member for Mitchell as lazy?

Mr PISONI: Yes, sir.

The SPEAKER: The minister is called to order. That was unnecessary. There was nothing outwardly provocative in the question. Minister.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker. A couple of the points that I did raise this morning when discussing this matter on radio was that the idea behind introducing this service was to bring Adelaide into a consistent standard with most if not all of the other major cities around Australia and provide a public transport link between our major airport and the CBD. Particularly given the fine work that's been done in recent times attracting new hotel and tourism accommodation developments within the CBD, it's important that we've got such a service operating between the airport and the city.

Admittedly, patronage hasn't been to the extent that we would have liked, although I can say in trend terms that it has been increasing, albeit incrementally. When we've had periods when there have been significant tourism events and activities within Adelaide, we've seen a corresponding increase in the patronage on that service. A good example is an increase in patronage in March of this year which, of course, is the Festival and Fringe season as well as all the other events that we now have in March.

Of course, the largest and highest number of passengers we've had on that service was most recently in July, which correlates to the Liverpool game that we had at Adelaide Oval. I'm also told that we had (if I get the name right) the Southern University Games (I think they were called), and we had in July approximately 2,100 people in that month, which is the highest number we've had to date. Of course, in the preceding month in June, when there were fewer tourism activities that might attract people into Adelaide to use the service from the airport to the city, we had—and I don't have the figure in front of me—the lowest number in that month, and that's why the service patronage fluctuates on the JX1 service; but, we course hold true to the mantra that it is important to invest in public transport services here in Adelaide to try to grow patronage on our network.

It's good in this instance for tourism and it's good in general terms to alleviate the congestion on our roads and provide people with another option of moving about our communities. I should add that the service that we're discussing—the Jet*Express* JX1 service that operates between the airport and the CBD—is something that we've been discussing with the airport as well. I think both the government and the airport recognise the need to improve visibility of the service, to improve signage and information about the service, and there is also an opportunity to replicate those efforts not just at the airport but, of course, at the hotels and other accommodation services where tourists might be staying in Adelaide.

Mr Bell interjecting:

The SPEAKER: The member for Mount Gambier is warned for the second and final time. Member for Mitchell.

ELECTRIC TRAINS

Mr WINGARD (Mitchell) (15:03): My question is to the Minister for Transport and Infrastructure. Under the contract with Bombardier, when were all electric trains supposed to be supplied and fully operational?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:03): I don't have that date in front of me, but I understood that we were expecting to receive those trains around about the middle of 2015. We are still receiving those trains. The vast majority of them are in service at the moment. We're still waiting to receive the final trains, but, pleasingly, as part of that program we've been able to substantially increase the size of the train fleet that we have servicing our metropolitan train lines.

I will check these figures and come back to the house with a correction but, from recollection, by purchasing these new 4000 class electric multiple unit trains, we are adding the equivalent of 66 rail carriages in 22 three-car sets through the new purchase and, as there was a fleeting reference amongst some of the unpleasantness yesterday, we are able to also retire the approximately 40-year-old 2000 class diesel trains.

Notwithstanding the retirement of those trains, there is still a significant increase in the size of the fleet, I understand from, I think, off the top of my head, 99 rail carriage equivalents up to 136, so we are growing the fleet by over a third. Once again, it is another reflection of how this government is working hard and investing resources to grow our public transport services, in particular the vehicles on which we provide those services.

ELECTRIC TRAINS

Mr WINGARD (Mitchell) (15:05): Supplementary, sir: was there a clause in the contract that, if the trains weren't delivered on time, a claim could be made against Bombardier; and is the government making that claim against Bombardier for their delay in delivery of those new electric trains?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:05): I will come back to the house with a response on that.

ELECTRIC TRAINS

Mr WINGARD (Mitchell) (15:05): Supplementary, sir: given that the minister mentioned the 2000 series class—the Jumbos, the old trains that are being retired—when were they supposed to be retired and when will they be retired from the service?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:06): My understanding is that they've been retired from regular services for a number of weeks now, yet they haven't been fully decommissioned in case of any future desire to bring them back out onto the lines to be used, for example, if we were running special events where we needed to increase the size of the fleet.

Ms Chapman interjecting:

The Hon. S.C. MULLIGHAN: The deputy leader might be well placed to comment on those sorts of matters.

Members interjecting:

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

The Hon. T.R. Kenyon: Thank you, sir.

The SPEAKER: It is my pleasure to call him to order, and the deputy leader is warned for the second and final time. The member for Mitchell.

ELECTRIC TRAINS

Mr WINGARD (Mitchell) (15:06): Supplementary, sir: given that the minister has talked about the extra train carriages that we have now and having to link two three-car sets together to make a bigger service, how many stations on the southern lines are not long enough to actually hold two three-car sets stuck together, so that the last train hangs over the edge and people can't get on and off that carriage?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:07): Perhaps just to address a couple of the ways in which that question was framed, it is not the need to couple two three-car EMU sets, it is the desire to couple these train sets together in an effort to provide a substantially larger service for a train movement into the city.

An honourable member: How many won't fit?

The Hon. S.C. MULLIGHAN: Yes, I'm coming to that. We've got some time left. Off the top of my head, I think there are some 22 or perhaps 24 stops along the Seaford line and, with the limited stop service that we introduced in, I think, July last year, those limited stops were focused to be those stops where we had the highest numbers of patrons using the trains. I think five are in the limited stop service.

Mr Picton: Six.

The Hon. S.C. MULLIGHAN: Six. I'm corrected by the member for Kaurna who, of course, is a frequent train traveller—

An honourable member interjecting:

The Hon. S.C. MULLIGHAN: Not for long—and of course we make our decisions to run those larger services, as we have been for the Footy Express services in particular, to make best use of those six-car set equivalents. There will never be any intention of running those double-carred services, particularly during limited stop express runs into the city at each station. The fact that we can't accommodate these six-car sets along every station on the Seaford line should be of no alarm to people. This is a—

Members interjecting:

The Hon. S.C. MULLIGHAN: At least the member for Unley got a good view, Mr Speaker. With that, I conclude my remarks.

O-BAHN TUNNEL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:09): I have a question for the Minister for Transport and Infrastructure. Could the minister advise the house whether works have started on the O-Bahn project before it has been considered by the Public Works Committee? If not, why are there dozens of trucks and loaded material all lined up along Hackney Road which appear to be undertaking work as we speak?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:10): As to the dozens of trucks lined up down Hackney Road, that is, of course,

one of the reasons for the O-Bahn project; to provide more road pavement surface and an increase to the road area for all vehicles, cars and trucks, let alone the many hundreds of buses that use that route in the morning. Whether the trucks—

Ms Chapman interjecting:

The Hon. S.C. MULLIGHAN: I am not sure whether the deputy leader has vox popped or doorknocked all those trucks to ascertain their purpose, but I am sure there are many hundreds—if not thousands—that traverse that part of the inner city ring route.

Mr Marshall: How about an answer?

The Hon. S.C. MULLIGHAN: I know that we are in trouble when the leader is bellowing out across the chamber again in a desperate attempt for attention, Mr Speaker.

Members interjecting:

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

The Hon. S.C. MULLIGHAN: I am more than happy to take it on notice.

GAS INDUSTRY

Mr GEE (Napier) (15:11): My question is to the Minister for Mineral Resources and Energy. Is the minister aware of the inaugural top 20 Australian gas leaders list? If so, is there anything about this list of which South Australia can be proud?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:11): I thank the honourable member for his question and his keen interest in the investment in jobs and prosperity generated by the South Australian oil and gas industry. It has been brought to my attention that *Gas Today*, a magazine dedicated to reporting on the natural gas sector from upstream through to export and the offshore industry, this year began to publish a top 20 list of Australian gas leaders.

Ms Chapman: And you are on the top of the list.

The Hon. A. KOUTSANTONIS: Alas, no. *Gas Today* says its list is a mix of influential gas stalwarts and upcoming visionaries who have made a significant impact on our nation's gas industry. I am delighted to say that this list rightfully acknowledges South Australia's contribution to the national gas industry.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Yes. Coming in at number one is Mr Barry Goldstein—

Mr KNOLL: Point of order, Mr Speaker. By the minister's own inference this information is publicly available on gastoday.com.au.

The SPEAKER: Has the member for Schubert sent this to me?

Mr KNOLL: It is a PDF. It is available online.

The Hon. A. KOUTSANTONIS: If I may, sir—

The SPEAKER: Yes, you may.

The Hon. A. KOUTSANTONIS: The question was whether there was anything about this list that would make South Australia proud, and that is what I am expanding on. I suppose to—

Members interjecting:

The Hon. A. KOUTSANTONIS: I am delighted to say that this list rightfully acknowledges one of South Australia's own. Coming in at number one is Barry Goldstein, the executive director of the Energy Resources Division of the Department of State Development. Barry was recognised by *Gas Today* for his unique contribution to the industry through bringing his bad jokes and his decades of experience as an exploration manager and chief geologist to bear in his work as a regulator. In his

role with the Department of State Development Barry has helped to design and implement efficient and effective legislation, government policy and regulation.

Barry is one of only two industry regulators to make the inaugural list. His inclusion builds on the other accolades he has received from the industry in recent years. In 2014 he was awarded the Distinguished Service Award by the Petroleum Exploration Society of Australia to match the American Association of Petroleum Geologists' Distinguished Service Award that he received in 2008. In 2013 the Australian Petroleum Production and Exploration Association conferred on him the Lewis G. Weeks Gold Award. The award winner must have made an outstanding contribution to the art, science or practice of petroleum exploration by demonstrating distinguished service to the industry in the development or application of exploration techniques, or in teaching.

Barry's service to the government and Australia was acknowledged with a Public Service Medal in the Australian national New Year's Honours list in 2014. Mr Goldstein has played an integral part in establishing the round table that is helping to guide the implementation of the Roadmap for Unconventional Gas Projects in South Australia. This road map has made South Australia the epicentre for the energy revolution gripping this industry. His experience and expertise will undoubtedly be a factor in the further expansion of the Cooper Basin, which has already grown to become Australia's largest onshore oil province during his stewardship.

It has never been more important to support the hardworking and diligent regulators of this state at a time when vocal interest groups seek to undermine the credibility of risk management and environmental assessment, member for Mount Gambier. Regulators are often accused of being too close to the industries they regulate by activities—

Members interjecting:

The SPEAKER: Yes; the minister should wind up now.

The Hon. A. KOUTSANTONIS: Thank you, sir. Regulators are often accused of being too close to the industries they regulate by activists who aren't willing or are simply too afraid to try to win arguments based on facts and scientific evidence.

Members interjecting:

The SPEAKER: Yes; I think that's enough. The member for Davenport.

ROAD MAINTENANCE

Mr DULUK (Davenport) (15:16): My question is to the Minister for Transport and Infrastructure. Can the minister advise how much of the $1.7 million he has allocated to better coordinate SA road conditions will be spent on improving the central corridor through the Mitcham Hills area to deliver road safety for residents and reduce peak hour bottlenecks?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:16): We haven't made a decision on the allocation of that $1.7 million. We've had a consultation process which closed seven days ago and we intend to come back out with some further detail on the next stages of Operation Moving Traffic.

PRIVATE RENTAL ASSISTANCE

Ms SANDERSON (Adelaide) (15:16): My question is to the Minister for Social Housing. Is there a cap on the number of times a tenant can access the private rental assistance scheme, particularly after having previously forfeited their bond?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (15:17): I thank the member for Adelaide for her interest in this area. I think we should be really clear that many of the people who access multiple bonds are some of our most vulnerable people. We have the Housing SA system where we provide houses (more than 40,000), but we also support an almost equal number of people in the private rental market, many who are low income earners and many who are quite vulnerable.

At the moment, I am concerned about the amount of debt that we have seen increase in private rental, but I am quite concerned that we must be clear to understand those who have sought to look for multiple bonds. Often we see people in crisis who are escaping domestic or family violence or have a severe mental illness. Often they might have had a multiple bond because they've gone from a boarding house to transitional accommodation and then maybe into private rental.

I acknowledge that there is some work to be done and in fact I am going through a branch review at the moment about debt, but I think we should be clear that many people who apply for multiple bonds do have some serious issues. One of the key things I want to look at is, we are rolling out a new service reform for Housing SA clients. We are looking at early intervention. I would like to look at us expanding that service to supporting those people within private rental who also need that support.

PRIVATE RENTAL ASSISTANCE

Ms SANDERSON (Adelaide) (15:18): Supplementary: I think the minister might be misunderstanding. I am not talking about people having multiple houses and you look after the house, you get your bond back and then you re-apply for another bond, that would be limitless because there's no cost to the taxpayer.

The SPEAKER: It's not debate. Just ask a question.

Ms SANDERSON: How many times after losing their bond due the damage they've done to the house, how many times can they have another bond and another bond and another bond? Is there a cap?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (15:19): At this point there is no cap. What we look at are individual situations. Let me be clear, people with debt, and we have tenants and non-tenants, 84 per cent of people have an arrangement to pay us back. One of the key things I am looking at with the department is increasing that range to pay back. There are different techniques that we can use, of course. We have private facilities where people—there are debt collectors that they go to. But let us be clear, people are seeking multiple bonds because they have often had to flee violence in the home. I want to look at this very closely and understand how we can support those people better, including enabling them to be able to save, to have enough money to cover that bond, which will give them some more choices in the future.

The SPEAKER: Members may be curious about filming from my upper left in the mezzanine, which I understand is done on the authorisation of the member for Morialta. The member did canvass it with me and it is within the current rules. However, if it were, let us say, cut and pasted *Today Tonight* style or used for electioneering, that would lead to a cycle of retaliation that would be most unseemly.

Ministerial Statement

CLIMATE CHANGE STRATEGY

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:20): I table a ministerial statement made by the Minister for Environment in another place.

Grievance Debate

MITCHELL ELECTORATE

Mr WINGARD (Mitchell) (15:20): The winter break from Parliament House is always a great opportunity to spend extra time in the local community and I would like to take this opportunity to highlight some of the great events and wonderful achievements that have unfolded specifically in Reynella and Old Reynella over the past month or so.

Firstly, I would like to congratulate Jessica Marshman and Emmersen Abbott from Old Reynella and Reynella respectively on winning a bronze medal at the SAPSASA under 12 state netball carnival in Perth. They had great community support from the likes of the Reynella Football

Club, Reynella East College and Jodi Taylor from THT Services. Both their mums travelled with the girls and, from following their games and the team's progress on Facebook, I could tell they clearly had a brilliant experience on and off the court, and their hard work was rewarded with a bronze medal, as I mentioned. It was a brilliant job, and it was particularly impressive to have two girls from our community representing the state.

It was also a true pleasure to spend some time with Lillian Fernley, who turned 100. She celebrated with a party at the Reynella Neighbourhood Centre. Lillian told me some delightful stories, including one about how she met her late husband. They were both into ballroom dancing and had different partners, but one day Lillian was about to hit the floor and her partner was missing. Her 'husband-to-be' swooped in and introduced himself and offered to dance with her. They went on to win the competition and their love blossomed from that moment. Later, Lillian learnt that her proper dance partner missed the dance with Lillian because he was locked in the men's toilet—and, yes, her husband admitted he was responsible.

At the Reynella Neighbourhood Centre on the fourth Saturday of every month from 10am until 2pm there is the Vines Market. There are many stalls selling jewellery, candles, cupcakes, fudge, coffee and more but, given the wintry weather, I was lucky enough to find Kym, who was there selling a beans mix on a bed of mash. Can I say that the line to his pot was long and the serving in a cup with a spoon hit the spot perfectly. With the weather warming up over the coming months, you may not want to try Kym's beans, but I highly recommend you get along and have a look at all the other offerings for yourself.

I bumped into Kym a few days later when I was invited to attend the Reynella Hobby Electronics Club. They are at the neighbourhood centre every Tuesday from 1pm until 3pm. There are approximately 12 men in this group and it is overflowing. They work away designing and building electronic devices, from lighting systems to alarms and the like. Tony Lee invited me along to meet the group; they are a great bunch and we discussed the idea I have been working on with the Onkaparinga council for a men's shed in the local area. There were some exciting contributions and we will continue to progress the concept with the council.

I also hosted a number of schools and community groups at Parliament House. For the second time, Rick Gilles brought his year 5/6 class in from Reynella Primary School, along with Sue Blight's class as well. We had a group of 60 or so, with some parents included in that. Can I firstly commend the students on how well they behaved. Secondly, I have to add how much I enjoy doing these tours, especially with Rick's group. Rick spends the weeks leading up to the tour teaching the students all about the history and the machinations of parliament. He does such a good job teaching the students that they come thirsty to find out more and more, and they are just brilliant to work with. In fact, I have to confess that every time his class comes here one of the students teaches me something I do not know about this place.

I also did quite a few hours doorknocking in the area and spent time at the local supermarkets, which is always a wonderful opportunity to listen to the local community and gather feedback on issues that are concerning them. I believe this is the true essence of what this job is about. While there was varied feedback on smaller local issues, there was a clear concern in our community about major issues in South Australia. People were genuinely alarmed that our state has a significantly higher unemployment rate than the rest of Australia and this is a key focus that I am committed to working on and fixing.

Doorknocking is thirsty and hungry work. By day a coffee at Café D'licious or the Old Town Café, followed by a chicken roll at The Strand Chicken Shop was usually perfect sustenance, but at the end of the day a beer at the Crown Hotel always soothes sore feet. As a member of the Crown Inn Social Club in Reynella I attended the 10th AGM. The club is as strong as ever and currently has more than 100 members. For the AGM, the Crown chef served up a beautiful roast meal with some of the best pork crackling I have ever tasted. Congratulations to Donald who was re-elected president and Kathy who was again anointed treasurer. The pair have done a brilliant job with the club and to a person the members enjoy a good time.

Still in the area, just up Old South Road, it was an honour to be at Edge Church on the night that they handed out the proceeds of their fundraising efforts in the Ride for Hope. I spoke about the

amazing event in detail last year, but the results were equally amazing this year. Led by Pastor Jonathon and Pastor Danny, the Edge community came together on Saturday 9 May to ride, run, walk or drive and raise money for charity. In August, they presented some cheques as a result of their hard work. Edge handed $100,000 to the Childhood Cancer Association and a further $20,000 to the women's prison where they have done a lot of work over a number of years.

There was also a forum in Reynella for Alzheimer's SA which I will talk more about in the future, and the Old Reynella footy and netball teams are also going wonderfully well into September.

The SPEAKER: The member is well past the post. The member for Florey.

ROYAL SOUTH AUSTRALIAN SOCIETY OF ARTS

Ms BEDFORD (Florey) (15:26): A few months ago the member for Ashford drew my attention to the activities of the Royal South Australian Society of Arts in the Institute Building on the corner of Kintore Avenue and North Terrace. It is the oldest such society in Australia and since its inception in 1856 it has been a leader in visual arts promotion and progress. The proud heritage of artists such as the Ashtons, the Heysens, Ruth Tuck, Mervyn Smith, John Dowie and Dorrit Black are part of the Royal South Australian Society of Arts with current day fellows Jeffrey Smart, Penny Dowie, Robert Hannaford, David Dryden, Cathi Steer and many others adding to the proud history of the society.

The Hon. S.W. Key: The late Jeffrey Smart.

Ms BEDFORD: It did not say the late Jeffrey Smart. The member for Ashford is on the ball again. The Doug Moran National Portrait Prize has been hosted by the society since its introduction and the society is a participant in Festival and Fringe functions.

It was as part of the SALA this year that I had a recent collaboration with the Royal Society through Jack Condous, Vikki Waller and Bev Bills, and I thank them for their kindnesses and assistance. Along with the member for Ashford, a nomination was lodged for Molly Byrne, the first Australian Labor Party woman elected to the House of Assembly, to be considered as a subject in the Biennial Portrait Prize. She was accepted and a series of demonstrations took place where it was possible to see firsthand artists develop portraits in either oil, acrylic, water colour, pencil or other medium.

There was a prize pool of $16,650 donated by many sponsors and Ms Irena Zhang kindly donated the first prize of $10,000, which is quite substantial. Forty-four artists in all worked with 11 significant sitters, Molly Byrne being one of them, and artists Tsering Hannaford, David Philip, Mark Wilson and Betty Anderson painted or drew Molly. It is significant to note that Mark Wilson is the son of a Liberal Party member, a former member of the House of Representatives, and, of course, Tsering Hannaford is the daughter of Robert Hannaford.

The process was really amazing to watch and I enjoyed the day immensely. The final portraits were exhibited in two spaces within the Institute Building as part of the SALA activities. Molly was delighted with the portraits and she took home one and her daughter took home another. Three of the four portraits were snapped up before going on public display. It was a wonderful exhibition and thoroughly enjoyed by all who went along.

The Royal South Australian Society of Arts is somewhat a hidden gem and perhaps, because it is located a little way away from the Art Gallery on North Terrace, it really is something worth finding. It is always going to be worthwhile to pay a visit because there is always something happening in the galleries and I urge everyone to take up the opportunity to visit the current exhibitions whenever they are on North Terrace in the cultural precinct. It is definitely well worthwhile.

Through this interaction, I was encouraged to participate in SALA myself this year following a request by a local resident. A young man who I have known for many years had recently taken up art as therapy in his recovery from a debilitating workplace injury. Art can, of course, be therapy and very therapeutic for the artist and the observer as well.

As an emerging artist, I was thrilled to be able to open his debut exhibition in front of family and friends. Simon Schenck has turned his ability and talent with food preparation into creating art and I am sure we all witnessed the beginning of an exciting career—so much so that I was happy to

purchase two of the works myself and donate them to the Graham F. Smith Peace Foundation for their fundraising dinner in October.

I congratulate the Graham F. Smith Peace Foundation for its long commitment to peace and, of course, arts in South Australia, and I want to particularly mention Ms Leonie Ebert and her long association with this outstanding organisation. Over the years, I have been encouraged to purchase many works of art through the Graham F. Smith Peace Foundation and only last year attended an exhibition of posters at the Festival Centre held under their auspices.

Art has long been recognised as a medium for many things—entertainment and pleasure, and a thought-provoking influence on society. Suffrage art, of course, through people such as Sylvia Pankhurst, led the debate at the turn of the 20th century to encourage women to win the vote. Through the arts, we have the opportunity to learn and record history.

Here in Parliament House, many portraits adorn the walls—alas, not many contemporary, although I do know that the member for Adelaide was one of the sitters in this year's exhibition for the Royal Society. I am not sure where her portraits went but it would be good to see one of them somewhere. While I do not have an artistic bone in my body, I enjoy viewing art and admiring it (everyone has the ability to do that), and it is always a pleasure to bring people through the house to look at our fine examples of Dowie, Hele, Hannaford and Platten in the precinct. I look forward to having a lot more to do with the Royal Society in future.

JACKSON, MR B.

Mr SPEIRS (Bright) (15:31): I rise today to acknowledge the achievements of South Australia's 2015 Surf Life Saver of the Year, Mr Billy Jackson of Hallett Cove. Billy was awarded the title at this year's Surf Life Saving SA Awards of Excellence held at Surf Central on 1 August. I wish to put on record my own appreciation of Billy's involvement and support at my home surf club of Brighton. His contribution to the club locally and to surf lifesaving at a statewide level is second to none.

Billy and I are both members at Brighton and that is not the only thing we have in common because Billy is also a Scot, and it was great to see Billy's achievements recently written up in Scotland's *Kilmarnock Standard* newspaper under the headline 'Crosshouse lifesaver scoops top award Down Under'. I noted in the article that, while the village of Crosshouse is not known for its surf, being about 10 kilometres from the Scottish coastline, Billy did learn to swim in the River Irvine, near the old Laigh Milton Mill. Having seen the River Irvine just a few weeks ago when I was back in Scotland, I can confirm that Billy's decision to pursue his love of the water will be a far more enjoyable experience in Brighton than it would ever have been in his homeland.

Billy has been an active member at Brighton Surf Life Saving Club since 1998 and has served the club admirably in almost every volunteer role available in a surf club environment, including as a successful club captain between 2012 and 2014. He has also been involved in IRBs, surf competition, patrols and training, including providing me with my first radio training back when I did my bronze medallion. He has also been involved in providing support to get the Goolwa Surf Life Saving Club off the ground, and this has included regular surf patrols down there.

At Brighton Surf Life Saving Club, in the season just gone, Billy was awarded the club president's award for the most valuable member and the Harold Philpott trophy for the most valuable patrolling member. He also clocked up the most patrol hours at the club in the 2014-15 season at 186 hours.

While Billy is best known at Brighton, he is renowned in every metropolitan club due to his regular volunteering at SurfCom, surf lifesaving's command centre, where his accent is often heard across surf's radio frequency on patrol days, and I am reliably informed that he is known as 'that Scottish bloke on the radio' by hundreds of lifesavers up and down our coast.

Billy's achievements also saw him gain life membership of Brighton Surf Life Saving Club at its August 2015 Annual General Meeting. Deputy Speaker, I am sure you and all members of this parliament will join me in wishing Billy all the best for the upcoming national surf life saving awards of excellence to be held in Sydney in October. Congratulations Billy.

ST CATHERINE SOCIETY OF SA INC.

Ms VLAHOS (Taylor) (15:34): I would like to speak today about a group of people I first met a couple of years ago, and that is at St Catherine Society, who work very hard to keep Maltese culture alive and well in Adelaide, and many of these volunteers have worked for many years. It was a privilege to be at their annual general meeting on Sunday 30 August at St Brigid's in Kilburn.

The committee comes together regularly and holds a Festival of Feast day and also many community outreach activities throughout the year. I was very pleased to be greeted by president Bernadette Behagiar, the vice president and the secretary, Madeline Scicluna. I was sad to miss Tesse Mansuetto who was in hospital that day, but everyone at the meeting wished Tesse well. I also met her husband, Victor Mansuetto. As well as these people were councillors Tony Chetcuti, Katie Camilleri, Carmen Bianco, Anthony Farrugia and Bernadette Aguis who were all once again successfully elected to run the committee for another year.

St Catherine's involves people living in my area who are very passionate, and I first met them a few years ago at one of my community annual drinks. They work very hard to ensure that the history of Malta and its cultures are not only passed through to their grandchildren and to their local area but also to bring a place of fellowship for those of Maltese background in the community.

Another person who does that is the honorary consul for the Maltese community in South Australia, and that is Frank Scicluna. I was very honoured to meet him the other day and to receive a copy of his book on ANZAC history and the role of nurses in the ANZAC centenary, which is very important as there are 300 Australians buried in Malta today as a result of the war 100 years ago.

I think that the most important thing I did on the day was recognising the active role that Bernadette and Victor have played in that community for a long time and to present them with the Premier's Volunteer Recognition certificates. These two individuals have been selfless in the way they have contributed to St Catherine's committee for many years. Victor has been on the committee for over 15 years. He is a very dedicated committee member as treasurer, even though he has faced his own health issues recently, as well as working alongside his wife who also works on the committee. He has always generously contributed his time and energy to ensure that the social and cultural wellbeing of the Maltese community is put first.

Bernadette, our current president, is a member of the Maltese community, too, of many years, and I believe that she has contributed to the Maltese community for too many years to mention here. Both are well known and well loved and work hard to ensure that the traditions are passed to a new generation. I congratulate them on their ongoing efforts and that of St Catherine's. They are delightful people. They are the lifeblood of what this multicultural state is about. I wish them well in the future, and I will be always there to assist them whenever they may need it.

PALLIATIVE CARE

Mr BELL (Mount Gambier) (15:37): I rise today to talk about the savage palliative care cuts that this government has installed on the people of the South-East—$419,000 every year going forward as of 1 July this year. I want to bring to the attention of this house that these types of cuts are going to have a severe impact on our ability to provide adequate care down in the South-East; and lo and behold many people up in the golden place of Adelaide would not have a bloody clue what is going on down in the South-East. I do not know whether or not that is parliamentary.

I also want to commend the ambassadors for palliative care, Pauline Kenny, Maxine Maney, Maree Thompson, Mary Arthurson and a person I will only identify as MB, for the outstanding work they have done to bring this to the community's attention and to raise awareness. Very shortly I will be placing on record a petition of 8,000 signatures from the South-East area demanding that this government reverse its cruel cuts to palliative care in the South-East.

I am just going to talk about how we are actually underfunded now, according to Palliative Care Australia and its recommendations in terms of staffing levels. We are under the full-time equivalent for the weighted population of the South-East, and one of these positions relates to a gentleman called Mr John Deer who has previously provided bereavement counselling to carers and families, and who has supported men in particular. Unfortunately, this is one of the roles that has been cut, and it is an absolute disgrace. The minister has written to me saying that these services

will be picked up by other clinicians and other people within the services, but being a male and knowing the lack of services specific for males, I believe that is one cut that needs to be reinstated immediately.

I am also very disappointed, if my correspondence is correct, that the minister has failed to respond to letters written to him by our two councils, that is, the District Council of Grant and the City of Mount Gambier. In their letter they ask for clarification on a number of points, one of them being the number of staff cut and the number of staff to remain; the number of staff to be redeployed and to which areas of the hospital; the number and nature of staff contracts that will not be renewed from 1 July 2015; the average number of palliative clients managed per year across the Limestone Coast; the impact of reduced palliative care services on the community in relation to health outcomes and service delivery; an outline of the new palliative care modelling, including its reach across the region; and the expected effectiveness and efficiency of meeting the healthcare needs of palliative care clients.

I lay down a challenge to the minister that we will be having a public forum on 7 October at 5.30. He will receive an invite to that forum in Mount Gambier, and his attendance would be greatly appreciated; in fact, I am standing here demanding his attendance at that meeting, public forum, to explain to the people of the South-East what these cuts mean to our region. A $419,000 cut from our palliative care services is an absolute disgrace. Also attending that forum will be Australia's leading palliative care advocate, Dr Yvonne McMaster OAM, who will be explaining the cost of palliative care to the community when you make these savage cuts. This is on top of an announcement just a week ago of a $7 million palliative care unit at Flinders Medical Centre for 15 beds.

Quite rightly, people in my electorate say, 'Well, you're robbing from us and again propping up Adelaide with more palliative care services.' It has been an absolute tragedy. Take from one hand, take from the country area and prop up Adelaide and Adelaide beds. On 7 October at 5.30 at the Sir Robert Helpmann Theatre, I am asking that the Minister for Health be in attendance.

Time expired.

VOLUNTARY EUTHANASIA

The Hon. S.W. KEY (Ashford) (15:42): Having had the opportunity to attend the Commonwealth Parliamentary Association conference in Victoria, British Columbia, I also had the opportunity to follow one of the areas that I am hoping to shortly introduce a bill about with the member for Morphett, that is, voluntary euthanasia. It was interesting being able to follow the debate with regard to the euthanasia and assisted suicide bill in Canada that is being debated by the federal parliament.

I was also particularly interested in a Canadian group—the Patients Rights Council—and had an opportunity to meet with its members, which sees their main platform as addressing issues, including euthanasia, assisted suicide, advance directives, disability rights and pain control. It should be noted that the Canadian Supreme Court has agreed with a lower court ruling. I think it is called the Bedford decision. It seems like Bedford is involved in a lot of progressive legislation, some good, some bad, but in this case good, I think. It concluded that:

> … the law deprives a competent adult of such assistance where [firstly] the person affected clearly consents to the termination of life; and [secondly] the person has a grievous and irremediable medical condition (including an illness, disease or disability) that causes suffering that is intolerable to the individual in the circumstance of his or her condition.

The decision does not indicate, interestingly, that the doctor-prescribed suicide and doctor-administered death should only be limited to those diagnosed with a terminal illness.

I can just imagine the legal debate that will ensue as a result of that decision. The debate in parliament should be very interesting to follow, as well, bearing in mind that, of course, Canada goes to an election in October, so who knows when we might hear what happens with that particular direction from the Canadian Supreme Court.

I just want to remind members that, in addition to the groups in Canada, we actually have a number of wonderful local groups that are advocating the choice of voluntary euthanasia. We have a group that I think was established over 35 years ago—the South Australian Voluntary Euthanasia

Society (SAVES). They have been established to campaign for legal medically assisted choice in end-of-life arrangements.

We have the Syndicated Australian Voluntary Euthanasia Youth Advocates (SAVE-YA). What they say is that the choice of euthanasia does not just lie with old people or people who are sick. They believe that their members, who are between the ages of 18 and 35, should be able to be part of this debate and this reform.

We have Doctors for Voluntary Euthanasia Choice, which is a national organisation with a South Australian chapter. We have Christians Supporting Choice for Voluntary Euthanasia, who say:

> We are Christians who believe that, as a demonstration of love and compassion, those with a terminal or hopeless illness should have the option of a pain-free, peaceful and dignified death with legal voluntary euthanasia. The overwhelming majority of Australian Christians—

they say—

> support the choice of voluntary euthanasia.

We have a newer group called Lawyers for Death with Dignity, who say:

> Lawyers For Death with Dignity acknowledges the need for people with a profound suffering to have the legal choice for a medically-assisted and dignified death. The current law says that suicide is not illegal, but assisting suicide is. People in a terminal state may have profound, unbearable suffering and be in the undignified position of not being able to end their life without assistance.

That is their main platform.

South Australian Nurses Supporting Choices in Dying have been around for a long time and have been advocates, and there is also another newer organisation, My Body My Choice-VE. It is very interesting when you read their Facebook page to see what their platform is, but they particularly provide a voice for people with a disability in the voluntary euthanasia debate. I commend the new End of Life Choice newsletter, which should be in every member's letterbox at the moment.

Bills

CONSTITUTION (GOVERNOR'S SALARY) AMENDMENT BILL

Introduction and First Reading

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:48): Obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

Second Reading

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:48): 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.

The Governor of South Australia holds the most significant office in the State. The Governor's office is established under the *Letters Patent and the Constitution Act 1936* ('the Act') declaring the role of the Governor as the representative of the Sovereign Head of the Commonwealth, responsible for exercising virtually all of the Sovereign Head's powers in respect of the State. The Governor is appointed by the Sovereign Head on advice of the South Australian Premier.

The Act allows for the provision of a salary to be paid to the Governor by the Treasurer whilst holding the office of Governor.

Unlike all other significant office holders in the State, including members of the Judiciary and the Legislature, the Governor's salary is not determined by the South Australian Remuneration Tribunal. It is dealt with solely by the Act.

The officers referred to the Remuneration Tribunal have the benefit of establishing appropriate salary arrangements including superannuation and salary sacrificing. The Governor does not.

The current legislative framework limits the ability of the Governor to enter into these arrangements, and as such, creates a disadvantage between significant office holders in the State.

The Bill before the House seeks to repair this situation and ensure significant office holders are treated similarly, with respect to matters relating to remuneration.

The amendments as provided for in the *Constitution (Governor's Salary) Amendment Bill 2015* amend the Act to refer the matter of the Governor's remuneration to the Remuneration Tribunal. The Remuneration Tribunal will have exclusive jurisdiction to determine the appropriate remuneration conditions for the Governor, as it does with other significant officer holders.

The Bill also seeks to ensure the Act reflects current practice and therefore sees the removal of the historic furlough clause. This clause gave effect to the historical practice whereby English Governors would take leave to return to England. It is no longer consistent with current practice of appointing Australian Governors.

These amendments will ensure practices are consistent and bring into effect conditions that are already offered to other significant office holders in South Australia. These amendments also seek to acknowledge the substantial contribution of the Governor to the State of South Australia.

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 *Constitution Act 1934*

4—Substitution of section 73

This clause substitutes current section 73 with the following proposed clause.

73—Governor's salary

This clause enables the Remuneration Tribunal to determine the Governor's salary with the proviso that—

- the Governor is not to be remunerated for any period for which he or she is entitled to remuneration from the Commonwealth in respect of his or her administration of the Government of the Commonwealth; and
- the rate of salary so determined cannot be reduced by subsequent determination of the Remuneration Tribunal.

5—Amendment of section 73B—Appropriation

This clause makes a minor consequential amendment to section 73B.

Schedule 1—Transitional provision

1—Transitional provision

This clause ensures that the Remuneration Tribunal will not determine a lower rate of salary for the Governor than the one applying immediately before the commencement of the amending Act.

Debate adjourned on motion of Ms Chapman.

LIQUOR LICENSING (PROHIBITION OF CERTAIN LIQUOR) 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 Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:49): Obtained leave and introduced a bill for an act to amend the Liquor Licensing Act 1997. 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 Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:50): I move:

That this bill be now read a second time.

This is one of the shorter bills I am bringing to the parliament over the next few weeks. The Liquor Licensing Act 1997 regulates the sale, supply and consumption of liquor in South Australia. Under section 131AA of the act, the minister has the power to prohibit the manufacture, sale or supply of certain liquor if satisfied that, because of its name, design, packaging or for any other reason, that liquor is likely to have a special appeal to minors or be confused with confectionery or non-alcoholic beverages.

There is currently no explicit power under the act for me to prohibit the manufacture, sale or supply of certain liquor on general public interest or community welfare grounds. Tantalisingly, I seek leave to have the remainder of my second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Other jurisdictions including New South Wales, Queensland and Western Australia, already have the ability to prohibit the sale of undesirable liquor products on public interest grounds.

Earlier this year, the Victorian Minister for Consumer Affairs, Gaming and Liquor Regulation, wrote to her interstate counterparts, regarding the introduction of a powdered alcohol product called 'Palcohol' into Australia.

Palcohol has recently been approved for sale in the United States of America, with the manufacturer of the product apparently seeking to distribute it here in Australia in the near future

The Victorian Government has expressed concerns about the potential impact that the introduction of a product such as this could have on the community.

Likewise, the South Australian Government has concerns about the manner in which powdered alcohol can be easily concealed compared to other types of alcohol, therefore reducing the ability for authorities to identify a person in possession of liquor (for example, in declared dry areas or at large concert and sporting events).

Palcohol being liquor in a powdered form also increases the risk for misuse of the product. For example, consuming the product without dissolving it in liquid or inhaling the powdery substance (similar to illicit drugs such as cocaine and heroin), potentially increasing the rate at which a person can become intoxicated.

On 1 July 2015, the Victorian Minister for Consumer Affairs exercised her power under the L*iquor Control Reform Act 1998*, to prohibit Palcohol on community interest grounds.

The New South Wales Government has now also prohibited the sale and supply of powdered alcohol on public interest grounds under the *Liquor Act 2007*.

South Australia (SA) has indicated that it will support a nationally consistent approach to prohibit the sale of powdered alcohol, however, it is apparent that my ability to prohibit certain types of liquor is somewhat limited compared to existing powers in other jurisdictions.

On a question of legal construction alone, section 131AA as it currently stands, should enable the Minister to prohibit the manufacture, sale or supply of powdered alcohol, provided that it is properly included within the scope of the Act by virtue of the Regulations.

A reasonable argument could no doubt be formed that powdered alcohol is likely to have a special appeal to minors, however, it is unclear at this stage how Palcohol will be packaged and sold, should the manufacturer attempt to introduce the product into Australia.

The Bill amends section 131AA of the Act, in line with other jurisdictions, to provide a clear ability to exercise the power under this section in the interests of the general public.

This will enable the Minister to prohibit undesirable liquor products such as powdered alcohol, in the interests of public safety and wellbeing.

It should be noted that before the Minister can exercise his or her power under the Act to prohibit a certain type of liquor, he or she is required to give known manufacturers, importers and distributors of the liquor at least seven days within which to comment on the proposed prohibition.

Appropriate consultation with the relevant Government agencies would also be undertaken, prior to exercising the power under this section.

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 *Liquor Licensing Act 1997*

4—Amendment of section 131AA—Prohibition of manufacture, sale or supply of certain liquor

This clause amends section 131AA of the principal Act to add the public interest to the list of grounds in relation to which a declaration under subsection (2) can be made.

Debate adjourned on motion of Ms Chapman.

STATUTES AMENDMENT (TERRORISM) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:51): Obtained leave and introduced a bill for an act to amend the Terrorism (Police Powers) Act 2005 and the Terrorism (Preventative Detention) Act 2005. 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 Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:52): I move:

That this bill be now read a second time.

Again, this is a very short bill. In fact, it is perhaps the shortest bill I have ever brought to the parliament. However, after the events of September 11, 2001, parliaments across Australia enacted cooperative and largely consistent legislation dealing with the threat of terrorism.

In the case of South Australia there were three initial acts. The Terrorism (Commonwealth Powers) Act 2002 is a limited textual reference of powers to enact a suite of terrorism offences to the commonwealth. The offences were swiftly enacted and are contained in the Criminal Code Act 1995. That constitutional arrangement has never been tested. The Terrorism (Police Powers) Act 2005 gives a range of extraordinary police powers to state police in cases of terrorism, emergency or threatened emergency. It has never been used.

The Terrorism (Preventative Detention) Act 2005 essentially mirrors in state legislation the commonwealth Criminal Code provisions about preventative detention with several major exceptions, notably (for constitutional reasons) that the state maximum detention is 14 days while the commonwealth maximum detention is two days. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

It was agreed at the COAG meeting on 27 September 2005 to establish a nationally consistent regime for preventative detention orders. The Act has never been used, although equivalent legislation in New South Wales and Victoria has been used. For the sake of completeness, it should also be mentioned that there is also the *Terrorism (Surface Transport Security) Act 2011*.

The national effort on terrorism is co-ordinated at the top rank officer level by the Australia-New Zealand Counter Terrorism Committee (the Committee). In order to provide legal expertise there is a sub-group called the Legal Issues Working Group which is activated as required and is responsible for providing legal and legislation advice to the Committee.

Section 31 of the *Terrorism (Police Powers) Act 2005* says:

'This Act expires on the tenth anniversary of its commencement.'

That date is 8 December, 2015.

Section 52 of the *Terrorism (Preventative Detention) Act 2005* says that:

a preventative detention order, or a prohibited contact order, that is in force at the end of 10 years after the day on which this Act commences ceases to be in force at that time; and that a preventative detention order,

and a prohibited contact order, cannot be applied for, or made, after the end of 10 years after the day on which this Act commences.

Again, that date is 8 December, 2015.

These time limits were set in the Acts as a safeguard against the possibility of abuse of the extraordinary powers contained in them. These fears have not been realised. The powers have not been used in this State and have been used sparingly and responsibly in other States.

There is no reason why these Acts should not be extended. There is every reason why they should be. The threat of terrorism that prompted this legislation, after what is now known as the al-Qaida attacks of 9/11, was real then. The context of terrorism has evolved, but the threat remains real. The growth of terrorist groups like ISIL (also known and proscribed in Australia as Islamic State) exert a growing negative influence in Australia through their continual and aggressive promotion of violent extremism including through the use of all forms of social media. In Australia, various planned and actual acts of violence can be attributed to the influence of ISIL. These include the Man Monis siege in NSW, the stabbing of two law enforcement officers in Victoria, and the NSW police arrest of two men who it is alleged were planning to behead random members of the public and police.

In response to the increased terrorism risk in Australia the National Terrorism Public Alert Level was raised to 'high' in September 2014 by the Australian Government. This increase in the alert level was based on assessments of the Australian Security Intelligence Organisation (ASIO) that a terrorist attack remains likely in this country.

In September 2014, preventative detention orders were used for the first time in Australia when the New South Wales Police Force sought and obtained three interim preventative detention orders (PDOs) under the *Terrorism (Police Powers) Act 2002* (NSW).

Beginning in 2010, there was a COAG review of the terrorism legislation at Commonwealth level. The most obvious consequential effect for us was what would affect the preventative detention provisions (and hence our mirror provisions) and the text referral legislation (because it might affect the text referred). In addition to this review, and running parallel to it, was the legislation review conducted by the Independent National Security Legislation Monitor (INSLM), then Bret Walker SC.

While both the COAG and the Walker reviews supported the repeal of preventative detention orders, the COAG Response to the COAG Review, developed by the Legal Issues Working Group of the Committee, did not. The final COAG response identified compelling reasons for the retention of preventative detention powers and supported the renewal of Commonwealth orders beyond the then sun-setting date of 8 December 2015. These reasons focus on the imperative of recent events dealing with the review of the events surrounding the Monis siege and the foreign fighter issues.

The Government has decided to act on the COAG response. This bill amends both section 31 of the *Terrorism (Police Powers) Act 2005* and section 52 of the *Terrorism (Preventative Detention) Act 2005* to move the expiry of the former and the date until which a preventative detention order or a prohibited contact order under the latter remains in force from 10 to 20 years from commencement of the legislation.

Retention of this time limit recognises a continued recognition of the extraordinary powers contained in these Acts.

The continuation of these bills that provide preventative powers to police to address extraordinary threats of violence to the general community are essential in the current local and global environment.

I commend this bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Terrorism (Police Powers) Act 2005*

3—Amendment of section 31—Expiry of Act

This clause amends section 31 to provide for expiry of the Act on the 20th anniversary of its commencement rather than the 10th anniversary.

Part 3—Amendment of *Terrorism (Preventative Detention) Act 2005*

4—Amendment of section 52—Sunset provision

This clause amends section 52 to prevent the continued operation of, or making of, preventative detention orders and prohibited contact orders at the end of 20 years after the commencement of the Act (rather than the current 10 years).

5—Transitional provision

This clause ensures that the amendments under this Part apply in relation to a preventative detention order or prohibited contact order whether the order was made before or after the commencement of the Part.

Debate adjourned on motion of Ms Chapman.

STATUTES AMENDMENT (INDUSTRIAL RELATIONS CONSULTATIVE COUNCIL) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:54): Obtained leave and introduced a bill for an act to amend the Fair Work Act 1994 and the Work Health and Safety Act 2012. 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 Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:54): I move:

That this bill be now read a second time.

In July 2014 the government committed to a process of reforming state government boards and committees. In considering the role and function of the Industrial Relations Advisory Council, the SafeWork SA Advisory Council and the Asbestos Advisory Committee, I am of the view that these committees should be abolished, with a broad engagement approach adopted to create a central consultative point for key state industrial relations policy matters, work health and safety issues, and asbestos.

The Statutes Amendment (Industrial Relations Consultative Council) Bill 2015 will establish the Industrial Relations Consultative Council to replace the Industrial Relations Advisory Committee, the SafeWork SA Advisory Council and the Asbestos Advisory Committee, which was a non-statutory committee that lapsed on 30 June 2015. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The functions of the three committees are at times considered to be duplicative, and so inefficient, with the same members often represented on more than one committee. In the case of the Industrial Relations Advisory Committee, the role has been significantly diminished since the referral of certain industrial relations powers to the Commonwealth effective from 1 January 2010.

The Bill also makes a consequential amendment to the *Work Health and Safety Act 2012* (SA) integrating the small business commissioner's role in the approval of work health and safety codes of practice, creating a streamlined, less bureaucratic consultation process.

The Industrial Relations Consultative Council will provide an integrated approach to the consideration of the full range of industrial relations issues. It will be responsible for core consultative and advisory functions and providing high level advice to the Minister for Industrial Relations to facilitate the effective and efficient administration of laws covering safe and fair workplaces. It will also have the ability to establish time-limited, outcome-driven issues groups for specified purposes to assist it with the exercise of its functions.

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 *Fair Work Act 1994*

4—Amendment of section 4—Interpretation

This clause amends section 4 of the principal Act to remove the definition of the Committee and insert a definition of the Consultative Council.

5—Amendment of section 7—Industrial authorities

This clause amends section 7 to substitute the Industrial Relations Advisory Committee with the Industrial Relations Consultative Council.

6—Repeal of Chapter 2 Part 5

This clause repeals Chapter 2 Part 5.

7—Insertion of Chapter 6AA

This clause inserts Chapter 6AA.

Chapter 6AA—Industrial Relations Consultative Council

Part 1—Establishment of Consultative Council

218—Establishment of Consultative Council

This clause establishes the Industrial Relations Consultative Council.

Part 2—Functions and powers

218A—Functions and powers of Consultative Council

This clause establishes the functions and powers of the Consultative Council.

Part 3—Composition of Consultative Council

218B—Membership of Consultative Council

This clause establishes the membership of the Consultative Council.

218C—Terms and conditions of office

This clause establishes the terms and conditions of members of the Consultative Council.

218D—Fees Allowances and expenses

This clause establishes the fees, allowances and expenses of the Consultative Council.

Part 4—Proceedings of Consultative Council

218E—Meetings

This clause establishes the meeting requirements of the Consultative Council.

218F—Proceedings

This clause establishes the proceedings of the Consultative Council.

218G—Conflict of interest under *Public Sector (Honesty and Accountability) Act 1995*

This clause inserts conflict of interest requirements to be observed by members of the Consultative Council.

218H—Validity of acts

This clause preserves the validity of acts of the Consultative Council.

Part 5—Use of staff and facilities

218I—Use of staff and facilities

This clause enables the Consultative Council to make use of staff and facilities.

Part 6—Committees

218J—Committees

This clause enables the Consultative Council to establish committees.

Part 7—Related matters

218K—Confidentiality

This clause imposes a confidentiality requirement on members of the Consultative Council and members of any committee established by the Consultative Council.

8—Transitional provision

This clause inserts a transitional provision ensuring that a member of the Industrial Relations Advisory Committee ceases to hold office on the commencement of the clause.

Part 3—Amendment of *Work Health and Safety Act 2012*

9—Amendment of section 4—Definitions

This clause amends section 4 of the principal Act to remove the definition of the Advisory Council and insert a definition of the Consultative Council.

10—Amendment of section 68—Powers and functions of health and safety representatives

This amendment is consequential.

11—Amendment of section 274—Approved codes of practice

This clause makes changes that are consequential. It also makes a change to the consultation process to incorporate the involvement of the Small Business Commissioner.

12—Amendment of Schedule 2—Local tripartite consultation arrangements

This clause makes changes that are consequential.

13—Amendment of Schedule 5—Provisions of local application

This clause makes a consequential change.

14—Transitional provision

This clause inserts a transitional provision ensuring that a member of the SafeWork SA Advisory Council ceases to hold office on the commencement of the clause.

Debate adjourned on motion of Ms Chapman.

LONG SERVICE LEAVE (CALCULATION OF AVERAGE WEEKLY EARNINGS) 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 Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:55): Obtained leave and introduced a bill for an act to amend the Long Service Leave Act 1987. 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 Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:56): I move:

That this bill be now read a second time.

The Long Service Leave (Calculation of Average Weekly Earnings) Amendment Bill 2015 seeks to amend section 3(4)(a) and (b) of the Long Service Leave Act 1987. Section 3(4)(a) disregards whole weeks of unpaid leave from the calculation of long service leave payments for casual or part-time workers. Section 3(4)(b) stipulates that for the purposes of performing this calculation, the relevant periods when the worker was not at work due to work injury and in receipt of weekly payments will also be disregarded.

The intention of the amendments to section 3(4)(a) and (b) is to clarify that in addition to the unpaid leave exclusions, any week that a casual or part-time worker is absent from work for a work injury, is also excluded in the same manner. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The need for this clarity arises from a recent significant decision in the case of *Flinders Ports Pty Ltd v Woolford*, which was heard by the Full Court of the Supreme Court of South Australia.

In this matter, a worker's long service leave payment was reduced to almost nothing as a result of the Full Court of the Supreme Court's interpretation of 'unpaid leave' for the purpose of calculating a long service leave

entitlement. The Full Court of the Supreme Court held that 'unpaid leave' does not include the absence of an employee from work due to a compensable injury.

The Bill aims to remedy the unsatisfactory consequences of the Flinders Ports decision for casual and part-time employees under the *Long Service Leave Act 1987*. If a casual or part-time employee is entitled to long service leave payments, they should not end up with a zero or minimal payment because they were injured while performing their work.

Further, a compelling argument for the Bill is that casual and part-time employees, as employees eligible for long service leave under the *Long Service Leave Act*, should have their long service leave payments protected in the same manner as full-time employees. Currently full-time workers who are absent from work because of a work-related injury do not have their payment in lieu of long service leave upon termination reduced under the *Long Service Leave Act*, as the averaging provision of section 3(2) does not apply to them.

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 *Long Service Leave Act 1987*

4—Amendment of section 3—Interpretation

This clause amends section 3 to ensure that any week in which a worker is absent from work on account of a work injury (within the meaning of the *Return to Work Act 2014*) for which the worker received weekly payments under that Act or, before 1 July 2015, under the *Workers Rehabilitation and Compensation Act 1986* is excluded from the calculation of averaging weekly earnings under subsection (2)(a) or the number of hours worked per week under subsection (2)(b).

Schedule 1—Transitional provision

1—Transitional provision

This clause inserts a transitional provision to provide that the amendment effected to the *Long Service Leave Act 1987* by this Act applies in relation to any long service leave taken (or any payment made in lieu of long service leave) on or after the commencement of this Act (including so as to apply in relation to absences of a worker occurring before the commencement of this Act).

Debate adjourned on motion of Ms Chapman.

LOBBYISTS BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 September 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:58): I will be the lead speaker on the Lobbyists Bill 2015 which has been presented to the parliament yesterday for our consideration. The bill will be consented to by the opposition and we will support the passage in this house. However, there are a number of questions I do ask that the Attorney respond to, and I will outline the reasons why. Can I say though at the outset that we welcome, on this side of the house, the statutory provision in this bill for a registration procedure for lobbyists who operate in South Australia.

The bill follows a period of negotiation, of which there have been some proposals presented to the opposition for consideration. In reaching our conclusion to support this bill, we have had the opportunity to raise a number of questions, or at least our representative (Hon. Rob Lucas), in discussion with the Attorney, has done so. I would like to say, however, from the outset that in 2009, when the former premier (Hon. Mike Rann) acceded to public demand that there at least be some code of conduct to operate in respect of lobbyists, he published such a code, which was to be implemented, and in particular to establish a registration procedure essentially of the names, addresses and personnel who are members of lobbyist organisations, or indeed individuals.

Obviously, being a code of conduct, there were not penalties, other than a disciplinary manner as some tool or instrument of compliance. Whilst we welcomed that at the time, there were clearly deficiencies. For example, I give you just one occasion that came to my attention where there appeared to be no means by which there was enforcement by those who were supposed to be the keepers of the list in respect of their responsibility to do so.

After the introduction of the code of conduct there were a number of people, many of whom are well known, former members of parliament included, who signed up to be on the then premier's register, and they provided their name and disclosed the same for the purposes of complying with that code of conduct. One identified lobbyist, who was well known in the lobbyist field, was the former Labor minister, the Hon. Greg Crafter, and he did not appear on the list when we inquired as to identify his registration, when he had attended and was disclosed in certain documents to be the lobbyist on behalf of a certain company.

We made inquiry with the then premier's office to ascertain, 'What's the situation here? What's the process?' We were informed, with some communication back and forth, that there had been some error; that in fact Mr Crafter had forwarded an email, apparently, to the relevant office and, for whatever reason, it had disappeared into the ether of unattended to work and, accordingly, his name was not on the list. I hasten to add, in giving this example, that this is no personal reflection on Mr Crafter; I just use it as an example that the operation of what appeared to be a well-intentioned code was falling short by those who were supposed to be responsible for its implementation. I hope that will highlight at least the situation where there was some deficiency.

I am just reaching for my file called the 'Lobbyist Bill 2014', because I was ever hopeful that this might be a bill that would arrive last year but, as it did not, I will just refer to the 2009 agreement. That set out a registration procedure and identified lobbying activities as meaning:

> …communications with a Government representative in an effort to influence Government decision-making, including the making or amendment of legislation, the development or amendment of Government policy or program, the awarding of a Government contract or grant or the allocation of funding...

But it specifically excluded a number of items including:

> a. communications with a committee of the Parliament;
>
> b. communications with a Minister or Parliamentary Secretary…in relation to non-ministerial [matters];
>
> c. communications in response to a call for submissions;
>
> d. petitions or communications [for a community campaign];
>
> e. communications in response to a request for tender;
>
> f. statements made in a public forum; or
>
> g. responses to requests by Government representatives for information.

That code had a significant list of persons who were not included in the usual meaning of a lobbyist and they included: charitable, religious and other organisations; not-for-profit associations and organisations; individuals making representations on behalf of relatives or friends on personal matters; members of trade delegations visiting Australia; persons registered under the Australian government scheme regulating the activities of members of that profession, such as registered tax agents, customs brokers, company auditors, liquidators, and various others; members of professions such as doctors, lawyers, accountants, and other service providers, with some qualifications in respect of that; and representatives of other government or government agencies or inquiries.

I identify the lobbying activities and exemptions and the lobbyists and their exemptions because I note in the bill that is before us that we have a much leaner catchment that is to be defined in the statute in respect of the new regime. The meaning of lobbying which is proposed in clause 4 has a similar definition for lobbying, but the list which they might have influence over is now to be confined to:

> …legislation or government decision or policy, application for any approval consent, licence, permit, exemption or other authorisation or entitlement or awarding of a contract or grant of allocating of funding or any other exercise official for his or her functions or powers.

The list of persons not to be taken to engage in lobbying is outlined to deal with people who are public officials and are operating in the ordinary course of their business, to legal practitioners to accountants and financial advisers and then if the person belongs to a class prescribed by regulation and acts in circumstances prescribed by regulation. So it is possible under the new regime that there are going to be significantly fewer numbers of exemptions. Accordingly, what I would ask is that the Attorney make provision or at least identify those whom he intends to be prescribing by regulation and to advise us of the list that he has to date under his consideration. When those draft regulations are available for consideration we would appreciate a copy of them at least between the houses.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: The Attorney's interjection gives some helpful advice as to how we might progress the matter and so I will just mention a couple of other matters. The other aspect I want to point out is that the Independent Commissioner Against Corruption provided an annual report for the 2013-14 financial year on 14 October last year. In that, he made reference to lobbyists as one of a number of areas which he considered needed some attention. In his report, he outlined that he had been asked by the Deputy Premier to undertake a review of the Public Sector (Honesty and Accountability) Act 1995 for the purposes of determining whether that act should be amended to include a code of conduct for lobbyists. He went on to outline the merits which he felt would be important to be incorporated in standalone legislation, which was his preliminary view at the time of what would be the best solution, to use his words.

He stated, 'In my opinion, the public's concern about lobbyists' conduct would be alleviated if lobbyists seeking to influence government were obliged to expose their activities to public scrutiny,' and went on to outline some of the features of Queensland's Integrity Commissioner, who was appointed to administer lobbyists under legislation in which they had a registration and monitoring role and identified some aspects of that. He also said at that time, 'I will consider the issue further and report on it next year.'

In the course of committee, I would like some response on the question of where that report is and whether it has been received, and whether there have been any oral briefings on it if it has not been received. If it has been received, is it going to be tabled? We would certainly be wanting to see what the Independent Commissioner Against Corruption has to say about two things. One is whether, in fact, there is any aspect of this bill that he considers needs to be improved upon or, indeed, that he objects to or recommends against. It may be that we need to receive that if the government has not had any information about the view of Mr Lander QC before we finalise this process, but it should not hold up the house at this point.

We see, relative to other jurisdictions, the Lobbyists Bill before us as somewhat the skinny version. However, it does appear on the face of it to have aspects which are not repeated in other jurisdictions. Where the ideas for that have come from, I do not know—whether they are the thought bubbles of the Attorney, or whether they have had some deep, time-honoured and tested application in some other jurisdiction, we are yet to hear.

In essence, the Lobbyists Bill sets out a registration procedure. It sets out penalties—in fact, quite severe penalties—for someone who practices as a lobbyist in some manner without being registered. This bill requires there to be a significant disclosure of information which is not just the usual name and address or corporate entity which they are trading as but, in fact, to keep I think a fairly clear and specific diary of who they meet with, what the subject matter is of those meetings and communications and the like. I do not need to go through them: they are clear in the bill.

That, in a way, is protected by a web of confidentiality capacity, to be determined by the chief executive, who has power to declare that certain information that is disclosed is able to be kept confidential and not disclosed on the register; and power, in fact, for that to be cancelled. However, having made that determination, the protection of that confidentiality is to expire essentially within six months, and there does not appear to be any provision for extension of that. In any event, it is a little bit reversed, if I can say, to most other provisions because this is one where there is a capacity to keep something confidential (even though there is a sort of primary obligation to disclose but with the exemption capacity, as I have said), and that the information that is not disclosed is unable to be searched or revealed (or disclosed in particular) under freedom of information procedures.

I say that is a bit of a reverse situation because generally information that is created in most entities (departments and the like; registers, indeed), is in fact subject to FOI legislation, and the FOI Act makes provision and capacity for private information and commercial sensitive material against public interest-type clauses to protect it.

In this instance (this is the first time I have seen this type of regime; it might be novel, but nevertheless) it does seem a little odd because the list of exemptions to me does look particularly similar to what is in the FOI Act, that is, you really have some entitlement to have kept protected personal information of a confidential nature. The logical, usual one for most people in the Public Service, for example, or people on boards or employed by government, is to have their private residential address kept confidential for obvious reasons, and there is no reason why that would be disclosed. Sometimes their name is not made available, or that of associates.

Information that has a commercial or other value; information the disclosure of which would, or could reasonably be expected to, prejudice the commercial position of a person; information the disclosure of which would be contrary to the public interest—these all have a familiar ring of similarity to what is already in the FOI Act, but in this instance these particular groups of people have the privilege of secrecy for the first six months if they satisfy internally this process to the chief executive, and then it is open slather after that, although subject to some further order of it being kept secret. I do not understand why we have this exclusion of information from the register, and perhaps the Attorney will be able to enlighten us in response or in committee.

For obvious reasons there are a number of entities that are exempt under our FOI legislation, and for good reason—the DPP, various commissions, the police commissioner's information, for all the obvious reasons—and we do not take issue with that. However, if the government thought that this register should in some way be public as names but the information be exempt, then it should, it seems to me on the face of it, go through the normal exemption threshold considerations rather than us having what I would call a hybrid-type situation, where you get protection for a short time (I am not quite sure why), that it is time sensitive, apparently, to the extent that six months is supposed to resolve it all, or you have got to go back through some cumbersome process to reapply.

I do not understand why that is there. This register, like every other register—real estate agents, teachers, nurses; there are registers for just about everybody these days, including politicians—keeps records of these people and activities which they undertake. So, I would like some information to be provided on that.

The other aspect of this bill is to prohibit success fees. That is nothing new to us. When the Premier made a statement in the later part of 2014 in response to the ICAC annual report, he made statements to the parliament at that time indicating that this would be one of the issues that would be looked at arising out of the recommendations from the Independent Commissioner Against Corruption.

There were a number of others, like dealing with the statement of principles/code of conduct of members of parliament, which I think is about to come to us to be concluded, according to a recent announcement, and not before time, I would have to say. I will have a bit to say about that when it comes back before us eventually, but it seems like in a dim, dark past committee that I sat on with the Hon. Rob Lawson and the Attorney, we considered other regimes around the world and came up with the statement of principles that we were hoping at that stage would have some endorsement and would be promptly dealt with.

Several years later, the late Bob Such tried to advance it again but, it seemed, without any progress. About a decade later, we are now looking at it again and I will be glad when it does come before us. I will be very glad to look at some of the other issues, like dealing with emails which was another important aspect of consideration by the commissioner. He did in fact conduct a review, which he tabled either on the same day or shortly thereafter, outlining his recommendations for amendment to the whistleblowers act. That has not seen any light of day to date. Then of course we have—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: About a year ago, yes. Then we have the publication that, of course, predated even the Independent Commissioner Against Corruption, namely, by the then ombudsman, Mr Bingham, in respect of reforms that he recommended after a very specific inquiry into the freedom of information law.

There are a lot of things that need to be dealt with in this space of integrity which, if the government were genuine in their commitment to the open, transparent and accountable democratic process, particularly of the government, they will need to be adding on to this. But, at least we have the Lobbyists Bill; that is, at least, on the table.

I should just say, finally, there is also specific provision in the bill for prohibiting a person essentially being a lobbyist and a member of a government board or committee. You have to make a choice. It is not between the money and the box; it is between the money and the money, probably. Nevertheless, they have to make a choice. Again, we do not have the advice of the Independent Commissioner Against Corruption or any other report of inquiry before us to indicate where this has come from but, on the face of it, I have to say it seems logical that there should be some independence in that regard.

I am pleased to note that the prohibition against giving or receiving success fees has been included. That has had support in other jurisdictions. I think I may have said that the Premier did announce, subsequent to the annual report of the ICAC, that he would be making quite clear that any future legislation would include that prohibition, and he has honoured that commitment.

The application to members of the parliament and their staff has, I think, been resolved on the basis that there would be a prohibition on ministers doing any lobbying activity until two years after they leave ministerial office and, for parliamentary secretaries, ministerial staff and departmental executives, for a period of 12 months. That is the sort of light touch of exclusion relative, of course, to Queensland, where it is very much more extensive.

Obviously it is not unusual that we have restrictions on people going into business against each other when they have got out of a business; we have terms that apply, for good reason. We have clauses in contracts to prohibit, usually, the vendors from undertaking similar business activities for a period of five, six, seven or 10 years, or whatever. In this instance it is to protect the integrity of information that has come to the knowledge of these persons in the course of their ministerial role or support role to ministers. For obvious reasons that is protected, even protected against the inadvertent disclosure of information or action or failure to act, in certain circumstances, as a result of information they have.

We indicate our support for the bill. As far as the information being sought goes, it may be that if there has not been a report prepared by the commissioner to date consistent with his report to the parliament a year ago, or that there are aspects of this bill which he has recommended in any oral presentation, we would need to look at whether they should be included in this bill. That can be attended to between the houses. We support what is here, but what is concerning to us is that it comes with some endorsement by ICAC and an explanation, if there is any startling omission from his recommendations, that we give some consideration as to whether that can be included in another place. With those few words I indicate that the opposition will support the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:27): First, I would like to thank the speaker for the opposition, and I would like to thank her for the indication of support. Without going into too much detail, I think it is fair to say that this has been the subject of conversation between members of the opposition and the government, and I think it fairly reflects it. This is not something that we are bringing in here and surprising everyone with; it is something that we have tried to engage with people about. Hopefully, given the indication by the Deputy Leader of the Opposition, this will be passed through here; that is an indication that the bill will go through and that would be good, and it would be good that there is the enhanced regulation of this particular type of activity.

I can try to answer some of the matters that have just been raised, and it may be that we do not need to muck around with the committee stage. As to the exemptions, in particular I was taken

to section 4(2)(d) and asked who we have in mind. At the moment, as far as I am concerned, I do not have anyone in mind. However, I did foresee the possibility that we did not necessarily foresee every circumstance in the preparation of this bill, and that we might inadvertently pull out some manifest unfairness to some group or other, and that there should be a facility to be able to accommodate that.

I would like to place on the record so that it is very clear, and I am talking here about the exemptions, the formula, which is basically this: 4(1) creates the blanket definition of lobbyist. Section 4(2) states that from that group you remove those people who 'holds office as a public official and communicates with the public official in the ordinary course of holding that office,' which is common sense. The next one did cause me a little bit of thinking but I hope I have captured there what we intended, which was:

> If the person is a legal practitioner (holding a current practising certificate under the Legal Practitioners Act 1981) and communicates with the public official in the ordinary course of that person's profession as a legal practitioner.

What that was meant to capture was if somebody is a lawyer and their client says, 'I'm dealing with the government about some particular matter, I need some help,' then clearly they should be able to do that, if it is in the ordinary course of their servicing of that client, without necessarily having to be registered as a lobbyist. That, however, is not the same as a lawyer seeking out a whole bunch of clients specifically just to do that, and I think that is a distinction that should be borne in mind.

Paragraph (c) deals with the accounting world and we intend, in preparing the regulations, to have regard to whatever the appropriate qualifications are and we would speak to the accounting people about that. As I said, (d) is simply meant to be if we had missed an obvious group, or not so obvious group, and we would cause undue hardship by not having that facility—there it is. I think it is fair to say, as the deputy leader said in her remarks, there will be fewer exemptions caused by subsection (2) than in the present code. We intend the reach of this to be a little bit more extensive than the present code, that was part of the rationale for doing this.

Then, of course, at the end in subsection (4) we have a group of organisations, like charitable, educational, benevolent, employer organisations, employee organisations and such like, that you would expect not to be captured by this type of thing. What we have done is we have defined lobbying basically, then we have tried to exclude everybody from that definition except those people, in effect, whose business it is to be engaged on a project-specific basis to negotiate with government. So, hopefully, that is the effect of subsection (4), to draw a circle around that particular group of people.

As to the deputy leader's second question about ICAC, I have checked with departmental officers who are here to advise me and we do not presently have any further report from ICAC. I understand the commissioner would be presently in the process of preparing his annual report, which would in due course be produced to the parliament. If I remember correctly, it is a report to the parliament, not through me. The report would then, no doubt, in the ordinary course, be the subject of some communication between the Crime and Public Integrity Policy Committee and the commissioner.

Ms Chapman interjecting:

The Hon. J.R. RAU: I will come to that. The next point is that I can tell the deputy leader this: I have kept the commissioner appraised of the fact that we were working on this legislation. I have provided him with various copies as we have been drafting and working on it and I have invited him to provide me with feedback should he wish to offer any feedback about that. I am just checking but I do not believe he got back to us with any suggestions about things he would like us to change.

Ms Chapman interjecting:

The Hon. J.R. RAU: Or include, indeed. But I have definitely, on more than one occasion, discussed this matter with him, told him we were intending to do it and I have provided him with draft bills along the way. Without going into the detail of the conversation, I think it is fair to say that the commissioner was generally supportive of the proposal.

I am absolutely confident, having provided him with drafts, that if there were any matter about which he felt strongly he would have been able to write to me and advise me. Can I say that, if he

subsequently comes to the view that this could be improved and he notifies me, he notifies the parliament through his annual report or he notifies the committee, then obviously I would look at that as well.

As to the next point raised by the deputy leader, which was to do with the register and the confidentiality, I will explain what the rationale here was. The way we have structured this, obviously, is that in order to be a lobbyist you must be on the register. The offence is to be behaving as a lobbyist without being on the register, so the register is an important thing, and there are things about how you get on and how you get off and suchlike. What happens as a result of being on the register is that you have to make an annual return, in effect, which provides, as the deputy leader indicated, a number of pieces of information.

The object of that exercise is that the register should be a public document. What we are basically trying to do is to elevate the transparency dimension of this so that any member of the public who has reason to be inquiring about either a lobbying individual or group, or indeed a corporate entity, should be able to search the register and ascertain what is going on. That would include, obviously, members of parliament and anybody else, so there is a strong transparency focus here.

The second point—and this is where the confidentiality aspect comes into it—is that, in doing this, I did actually engage with a couple of people who, in my view, are quite professional people who are presently involved in what you would have to describe as lobbying. In discussing the matter, a very good point was made to me, and I will make it to the Deputy Leader of the Opposition, and it is this: let's say that the deputy leader is a registered lobbyist and the deputy leader is engaged by a publicly listed company to do something. Let's say that it is, amongst the cognoscenti, known that, if that particular lobbying firm is engaged, it means something, if they know who the client is.

Potentially, not only could that be difficult, because it might be at a sensitive point in negotiations or whatever, but it could have the effect of odd impacts on the stock market, for instance, where you in effect wind up having what amounts to an early revelation of material, which really should be the subject of a trading halt and a statement to the Stock Exchange. The point I am trying to make is that there are many, many good reasons that, at a point in time, it is entirely justifiable, in the public interest and in the interests of commercial confidentiality, for the details of a particular record about a particular client not to be on that public register.

That said, my view was: 'That may well be the case at one point in time, but it's highly unlikely that that will continue indefinitely; in fact, it's almost impossible that it would continue indefinitely.' So the idea we have captured here is that you make the application to the chief executive and you say, 'Look, this is commercial-in-confidence; if people know we are lobbying for this company it is going to let cats out of the bag and there will be implications.' They make that application, it is accepted and then either the date on which the chief executive says that quarantine expires or 1 January next, whichever comes first, it is lifted, unless, of course, they were to make another application and then they would have to start the process all over again.

So this is not one of these situations where they get an exemption and the exemption travels ahead until somebody stops it. This is a case where they get an exemption which will disappear unless they take a step to reagitate and reinforce the grounds for the exemption. My expectation is that what will happen is we will have from time to time a few of these exemptions sought and granted, but that few of them would last very long and that at the end of a relatively short period these details would pop onto the register just as any others would, so that is really the point about that. I think they were really the only matters that the deputy leader raised, so with those few remarks that really concludes what I need to say about the matter.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:41): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PARLIAMENTARY REMUNERATION (DETERMINATION OF REMUNERATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 September 2015.)

The DEPUTY SPEAKER: I call the deputy leader, who will be the lead speaker.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:43): And brevity will be its feature. Can I say that the opposition has considered the bill and I note that the Hon. Rob Lucas, on our behalf, has had a number of extensive discussions with the Attorney and he has provided information as to the basis, models and proposed implementation of this bill, and the opposition indicates its support for the same.

Essentially, it is a bill to transfer the responsibility to make determinations of allowances and other benefits that are paid to members of parliament and persons of other office (ministers, premiers, speakers and the like) to the Remuneration Tribunal. The bill makes provision for the powers for the tribunal to give consideration to how future payments are made to members of parliament in line with that being a lump sum over and above for salary and a number of those benefits and that a specific regime excluding members of the committees of the parliament will be retained in the schedule in the act.

The government presented this as being consistent with their new regime of transparency. I think there is no question that the public, having had a diet of occasions when there has been public and media coverage of particular events that they find to be both unattractive and unjustified, is looking to have some resolution of this. The government's model to propose that the remuneration tribunal, being an independent body, undertake this task I think is commendable. I think in the media conversation of this bill to date, which inevitably flows, there is a welcoming of that approach that it will be consistent with a level of transparency which it needs to have. If this is to act as the sunshine of the parliament, it will be the antiseptic that is expected to flow.

I just make one observation, that is, sometimes there is a criticism made where the government and opposition, who represent, largely, the major parties, appear to act together to rush this type of legislation through the parliament. I just want to place on the record that we have not acted in that manner. We have had a number of discussions with the government in respect of the models that they have proposed.

There are times that we do act with the government to support the swift passage of the legislative process. I think of one just before the last election when I think within two days we pushed through the APY lands legislation to deal with what was alleged to be a critical situation on the APY lands where the appointment of an administrator was necessary and we supported the government to do that. It is not often that we do that. This is a process that will occur. We do not have any other speakers and if the government does not have any other speakers it will follow the normal course of passage through this house and, no doubt, enjoy some colourful attention in the other place.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:48): I thank the deputy leader for her contribution. She was as good as her word and I thank her for her support of the bill. I would follow in echoing her remarks, however, that this is a matter that has been the subject of some consideration for a while and it is passing through here in the ordinary course, it will go to the other place in the ordinary course and they will do what they do up there in the ordinary course. Thank you, again, to the Deputy Leader of the Opposition.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:49): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LOCAL GOVERNMENT (ACCOUNTABILITY AND GOVERNANCE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 July 2015.)

Mr GRIFFITHS (Goyder) (16:50): I confirm that I will be the opposition's lead speaker on the bill. This bill was introduced by the minister on 1 July 2015, and I do put on the record my thanks to the minister and his staff for the fact that I had probably three briefing opportunities before that, probably starting a good three months before the introduction of the bill. The minister and his staff provided me with, shall I say, every opportunity to ask any question I thought could be relevant to the bill and to seek comment and feedback on it.

I do note that from the draft version of the bill that was shown to me that there have been some changes which are as a result of some additional consultation with primarily the Local Government Association, and there were some amendments tabled by the minister yesterday, I think, and presented to the house. I will confirm that the opposition does support the legislation. There is no great challenge on that, but I will be, though, as part of my contribution, just raising some points in which I seek some comments back from the minister and asking some questions, and there will be a need also to go into committee to ask some detailed questions about individual clauses, so we might be here for a little while.

I got the legislation from the minister, and I note that quite often in the chamber he has commented on the fact (and what I took as being) that a wideranging review of the Local Government Act would be undertaken. When the first opportunity to look at this legislation came through I thought, 'It's not quite at the same level that I thought it would be', and it is not, either, and the minister acknowledges that. I note that he has given a commitment for a far more substantial review of the Local Government Act to occur sometime in 2016.

The Hon. G.G. Brock interjecting:

Mr GRIFFITHS: Yes; and the minister confirms across the chamber now that we will be involved in discussions about that, and I appreciate the openness with which he has discussions with me on a variety of things. The bill, as I said, is what I would classify as relatively lower level but which still covers important issues. Indeed, it comes back from quite a high level of review that has been undertaken by the Ombudsman and the ICAC commissioner on matters which have been raised with them and which were appropriate for the local government industry, shall I say, to look at, and the minister has done so.

A former senior officer of the Local Government Association who is no longer there commented to me that, in the main, the majority of it could have been introduced sometime ago, not necessarily during the minister's time but in the time of those who predated him as a minister. However, there was not an opportunity before the 2014 state election for that to occur, so, we have it now.

The opposition has considered a discussion paper on it. I put it to the opposition on 14 July and the position was agreed to. There is, I think, one other member, maybe, who might speak on it, but that is about all. I therefore do not necessarily see the majority of the bill as contentious, and it is based on implementing good practice so it is something I do very much support. I have noted and I will make comments at this early stage on it that in the draft that was provided to me there were references to the remission available to non-government organisations that undertook community housing associations.

I know that the minister has been asked a question in the chamber about this and I know that there has been some publicity of the fact that the bill that came in was different to the draft that went out. The Local Government Association and member councils have contacted members of parliament about that, but I do note that, as part of the Attorney's response to a question that I posed to the minister about this particular clause not being included, the Attorney has given a commitment that is part of the ongoing discussions and the negotiations about transfers that are occurring.

It is, though, responsible for the opposition to ensure that a level of concern is put on the record about what was seen as a relatively late change not long before (or in fact it might have been on the day of) the introduction of the bill. That occurs through a variety of means that I do not fully know about, but I hope one day to have the opportunity to have discussions at that level that occurs between ministers.

While it is not the minister's direct responsibility, it is the government's responsibility to ensure that the discussions occur and that a transparency and openness occurs in the negotiations and not just allow the NGOs to take over the control and management of these homes, which perform very important tasks for a large number of people across South Australia. There is the potential for a significant number of properties to be transferred, with local government indicating the potential risk of some $10 million in the quantum, as I understand it, on the basis of all being transferred, across a variety of councils, predominantly in metropolitan areas but, in some individual cases on quite a high amount of dollars.

That is not to say that the NGOs will not make sure that they operate the management of the homes in a most efficient way. I respect that, but for the local government authorities that have had these Housing SA properties and will continue to have these properties within their council areas for which full rates have been paid as part of its Housing SA control and ownership, having that revenue removed puts an increased burden on the service provision for that council and other ratepayers. I take it that the minister will continue to ensure that negotiations occur, even though another minister has responsibility for it.

As we go through the clauses, it is fair to say, minister, that I will be putting on the record some of the issues raised by the Local Government Association about clause 13 which amends section 70 which relates to inspection of register. I might just take the opportunity to put into the *Hansard* the words that were provided to me and to other members of parliament, by the Local Government Association, although they were, in the main, members of the other place. A copy was also provided to the minister, signed off by Mr Mark Searle, the Acting CEO of the Local Government Association. It is dated 1 July and in relation to clause 13 and the intention to amend section 70, it states:

> Councils are adamantly opposed to the proposal to require Council Members to publish particular personal details on a website. The proposal in clause 12, to amend section 70 of the Local Government Act, will require individual Council Members to publish on the web:
>
> - Income source
> - Name of any political party, political association, or trade or professional organisation
> - Gifts received that are required to be declared in the register of interests.

It goes on to say:

> Local Government is not opposed to disclosure in general, but the requirement to put personal information on a website is strongly opposed by Councils. Local Government has difficulty in attracting quality candidates for election and this type of requirement places a heavy imposition on people who are, unlike State and Commonwealth members of Parliament, only volunteers.
>
> The [Local Government Association] is of the opinion that there needs to be some safeguards against the potential misuse of information contained in the Register and is most concerned to protect the personal security of Council Members. Publication of material on the internet can take on a life of its own—

We hear stories about that. It does occur and that was a great interjection made by the member for Wright, I think, today about the internet. That was a funny one.

The Hon. J.M. Rankine interjecting:

Mr GRIFFITHS: That was a compliment to you, actually—I liked the words of an interjection from the member for Wright today about the internet.

The Hon. J.M. Rankine: About someone being on the internet when they shouldn't.

Mr GRIFFITHS: We shan't reflect upon the personalities involved, but—

The ACTING SPEAKER (Ms Digance): Is this where I say 'order'?

The Hon. A. Koutsantonis: It's entirely up to you.

Mr GRIFFITHS: Yes. It does go to demonstrate the issues associated with it. I repeat:

> Publication of material on the internet can take on a life of its own and remain in the public domain long after it becomes out of date or after a member has left office. It is also readily accessible information of a personal nature that has the potential to be misused. The LGA is therefore seeking your assistance to delete or amend this proposal in the bill.
>
> The LGA supports providing easier access to the information on the Register of Interests by deleting the requirement for a person to make a written application. The LGA also supports making similar information available about all candidates for office, not just sitting members of councils.

We will get to that when we actually get to the clauses, but I thought it was important, at this early stage, to put that on the *Hansard*.

Other noteworthy components of the bill include conflicts of interest and confidentiality provisions. I support those completely; it is important for the public to have faith in the fact that the people who choose to nominate themselves to represent them in forums—local, state or federal government—disclose where their interests might be, and that the community can have confidence in that fact.

It is interesting—and there will be some questions about this—that there is the creation of two categories of conflict of interest, with actual and perceived and material. I can see that it is necessary to create the two distinctions, but I will be seeking some details on how the definitions work and what level of guidelines have been prepared to assist people in making that determination, because it is a responsibility that rests upon the individual to ensure they do the right thing. Having previously worked in local government, I know that there are occasions when an issue from personal history might have been discussed, and you have the thought, 'Is there a level of conflict that potentially exists?' There will be some improvements created through the bill, there is no doubt about that, but I will be seeking some detail.

I do understand that part of the suggestion from the Ombudsman about this was a reflection upon an investigation undertaken by the Ombudsman on the fact that three councillors from Yorke Peninsula Council—members I know—had voted upon a matter that was put to them by a company in regard to some land use issues. As I understand it, the Ombudsman's investigation was that there was no case to respond to—and I am being a bit careful with my words there—but when it was mentioned to me in the first instance it was an issue of concern. So I am pleased that the council reviewed this within a very short period and that some action took place on that, because there were some concerns put to me by the wider community about the involvement of the three members—who are all high quality people as well—in that. That is enough said on that issue.

It would be an improvement opportunity. I also believe that this is the minister's first bill; minister, it is your first bill to be introduced into the parliament?

The Hon. G.G. Brock: Yes.

Mr GRIFFITHS: So it is good from that practical sense, and I acknowledge that the minister has also had involvement in local government for a long time in an elected member role, so he understands the process of how it works and the need to ensure that the meetings and operations of council run as effectively as possible.

I note that there are also some amendments regarding informal gatherings of councils that occur, and I reflect upon the fact that this is an issue that is raised with me a little now. Indeed, it is my observation that when those informal discussions occur all involved understand that there are to be no decisions as an outcome from it. The challenge I have with considering that, though, is that when you talk in a more informal sense about issues, you basically form an opinion. A direct decision

may not actually be made, but it certainly helps those who will have to vote during the formal part of a meeting about what the issues are. That is what the system is designed to do; however, there are issues that have been put to me about public accessibility to those discussions. We will talk about that at a later date.

I look forward to the passage of the bill. We will not be here for days and days talking about it. It is not necessarily long in its nature; it is, though, important to improvements in the way in which local government responds, acts and is seen by the community.

I commend the minister for bringing the bill before the house and I sincerely want to thank him for the many approaches he has made to me and the opportunities to talk about it to ensure that there is a level of bipartisanship that exists in this particular portfolio and to ensure that the outcome is a positive one. I do set up the scene though in looking forward to the more lengthy debate we will have next year, as long as I am still the shadow minister, about local government and what is occurring there. I think that will be a good experience for both of us. So, I look forward to the passage of the bill.

Mr PEDERICK (Hammond) (17:06): The Local Government (Accountability and Governance) Amendment Bill seeks to improve local government accountability and governance and is about implementing recommendations made by the Ombudsman to achieve a more consistent and contemporary legislative framework for local government to operate under. It is also, as I remember when the minister introduced the bill, to manage issues around conflict of interest and the appropriate way these are managed. I note that we have to declare any conflicts of interest that we may have in this house, and the other members in the other place.

These amendments are considered necessary because of reasonable confusion amongst council members and councillors interpreting the current provisions of the act. I note that, with elections for local government only being last year, there were many new members elected into office. In fact, some councils had at least half of their members replaced, so there were a lot of new people into local government, which is good to see, but obviously there needs to be a lot of training provided and a lot of the requirements of being a local government member put to these new people.

The issue was around legal opinion on the interpretation of the act. The whole point of this bill is to improve transparency and greater disclosure of actual and potential conflicts of interest. As we know, when we talk about matters in line with what we do, there is a need to keep these provisions in line with what the public expect, what public policy expects, and obviously with regard to the lines of public integrity.

Late last year, not long after the council elections, the personal interests discussion paper for council members was released. This was promoting discussions about the reform of the conflict of interest provisions of the act. It was based on similar legislation in the Queensland Local Government Act 2009. This indicated that there was significant support for gaining clarity amongst these provisions, also with regard to routine matters and also in seeking to find a better way to define the difference between actual and perceived conflicts of interest.

There have been quite a few responses in regard to this bill, including from the Ombudsman, the Independent Commissioner Against Corruption, the Crown Solicitor, the Local Government Association, and councils have also put in contributions towards the set-up of this bill. What is happening as part of that debate is the fundamental principle that council members must always consider the public interest in any decisions or actions taken in their role as a council member. The private interests of the member must never prevail over the public interest in that context.

I note that there can be difficulties for local members of government, because they could be significant businesspeople in the council that they represent, they could have large farm holdings or they could have properties that may be in a zone that is either up for rezoning for redevelopment over the next couple of years and whether there are any issues around whether some of that land could potentially be fast-tracked, or they could be debating something in local government that relates directly to their business. For example, they could be an earthmoving contractor with a council that actually gets that work done—maybe the hiring of a D8 bulldozer or a Komatsu or something similar—

The Hon. T.R. Kenyon: A little one.

Mr PEDERICK: Yes, a little one—to raise rubble, or other services that could be contracted out. So there are a significant number of issues that people need to contend with. I think the aim of this bill is to make sure that people are not confused, because there would be people concerned about whether they are making the right or wrong decision and declaring what they need to.

The current act requires this change, because it has only one category of conflict of interest and it only provides a council member with one course of action when dealing with it, and that is to declare the interest and leave the meeting. The act obviously does not provide for a councillor to declare potential conflicts of interest. What this bill will do, if it comes into law, is to determine what are material conflicts of interest, and that is where a member may gain a benefit or suffer a loss, depending on the outcome of the consideration of a certain matter at the meeting. Obviously the intent of the bill is to catch most potential conflicts in this category. In regard to what has happened in the past, this bill also requires a member who has a material conflict of interest to declare that interest and to leave the meeting while the matter is discussed and voted on.

There are obviously proposals for serious penalties for a breach of material conflict, and these penalties can go up to $15,000 or four years' imprisonment. The idea with this bill is to send a very clear message that these are serious matters and must be treated accordingly. The bill also discusses the fact that council members are able to discuss matters of ordinary business for the council, even if they could technically have a material interest in the matter, so it is contained in the bill how to get around that potential conflict of interest.

We all pay council rates, pretty well, and council members are also ratepayers. You would like to think that, for the greater good, all councillors would be part of that debate, because that is one of the fundamental ways that councils raise their funds. Obviously, that is only a certain percentage of the funds councils raise, but they need to get other funds from grants to make everything work at the local government level.

Another category of potential conflicts are the actual and perceived conflicts which are established by this bill and these are matters that are considered to be of a less serious nature than material conflicts. These are conflicts that should be disclosed and documented. These must be matters that are of less significance for a member and it may be in regard to a non-financial or a minor gain or loss.

The bill also talks about exclusions which can be qualified where a council member might have an association with a community group or a sporting club, is a member of a political party, has involvement with a local school or has been nominated by the council as a member of a board, but this exclusion will not be in place every time and this would still need the councillor to recognise whether they have an actual conflict of interest or a perceived conflict of interest. This has been supported and recommended by the Ombudsman, supported by the Independent Commissioner Against Corruption and the Local Government Association. These concepts are well known, as we know in this place at the state level, in administrative law, across the country and in other jurisdictions.

I would like to think that in all matters as they are here and at local government level, where many good people give up valuable time whether it is once a month or twice a month and sometimes more often than that, depending on whether they have special committee meetings to have debate, that we should have the appropriate legislation in place so that they can operate effectively and do the grunt work that happens at ground level with our local governments.

I applaud all our local governments for the work that they do at the local delivery level and it is far more than used to be said was roads, rates and rubbish. They do far more than that now in operating, whether it is our towns in our electorates or working around issues of whether you want to build a shed on a farm property or dog and cat management.

We had a select committee on dogs and cats in this place several years ago and I was part of that select committee. Certainly, as a local member of parliament—and I think every member in this place would have the same thing happen—many people come to you about local government matters. They are not really your purview, but I certainly have a policy that if they come to me I have to tell my local council, whichever one it may be, what is going on, have a discussion and maybe

have a meeting. I certainly have, as many members do, regular meetings with council mayors and CEOs so that you can have that good discussion around what is happening.

I can recall a meeting only recently with one of the councils in my electorate regarding development issues and it is one of the issues that comes up quite often. There are many people with property, whether it is a small farming property or even a larger farming property, on the edge of somewhere like the main city area of Murray Bridge that they want to see rezoned so that they can not only capitalise on that rezoning but also reduce the size of the block which they are having to look after and which they may have owned for 30 or 40 years.

It is good to have that relationship with councils and get the planning staff in as well because it is one of the those areas that there is much debate and it can get very robust. It is just good to get an idea of how it works at the local government level with regard to that and sometimes, as we find along the way, it is not that straightforward.

This bill will help bring up to speed the accountability of councillors and I hope it gives local government and councils the clarity that they need, especially with the many new councillors who have come on board since the last election. They have made a commitment for four years. I commend them all for all the work they do. It can be difficult and frustrating and keep them out late at night but I know they do it for the service of their communities and they do a great job.

Mr SPEIRS (Bright) (17:20): I too rise to make some brief comment on the Local Government (Accountability and Governance) Amendment Bill 2015. Members of this place, in particular, the minister, would know that I have an interest in local government, an interest forged through my involvement in community and also through several years as a local councillor and deputy mayor in the City of Marion.

This is a bill that I do support. I have often said here that I believe that local government has the capacity to be both the best and the worst tier of government—the best because it has an ability to connect with local communities in a very direct way and impact people's lives in a direct and rapid way, but also the worst because when local government drifts towards dysfunction that can be felt in a very immediate way in communities. I think we have seen that from time to time in South Australia and in other jurisdictions in Australia when local governments drift towards dysfunction; and there is no benefit in that happening for anyone, not the councillors involved, the administrations involved or the communities ultimately impacted by that dysfunction.

I have spoken often in this place about the need for local government to professionalise and to develop the capacity of local government in this state, capacity which I think can only be developed and improved through significant reform. That reform has to be led by the state government because, of course, in South Australia, and in all parts of Australia, local government is essentially an instrument created by state governments. It is imperative that the state government and whichever party is in power has the appetite for reform and is keen to continually look at ways that we can evolve local government and give it the capacity it needs.

As the member for Hammond mentioned and as other members would know, local government is far more complex in 2015 than it was five, 10 or 15 years ago and, certainly, a few decades ago when we talked about local government we were talking about rates, roads and rubbish and they are far more complex in 2015. That has, in my view, resulted in the need for councils to increase their capacity particularly around their governance and, particularly, the capacity of elected members.

From my own experience in local government and from observing perhaps more broadly across a number of local governments since entering state parliament, I would say that the capacity of elected members has not necessarily progressed with the same speed as the complexity of that third tier of government. As it has become more complex, I do not feel that elected members' capacity has necessarily kept apace with that. I think there is a role for the state government in looking at ways that we can enhance the capacity of elected members.

I am very interested in looking at compulsory voting. I think that is something we should be looking at with regard to local government—at least having the discussion about it. When you have compulsory voting at state government and federal government level, you are essentially saying to

the community, and even elected members, that the third tier of government is less important because the community is not compelled to participate in elections and participate and interact with that sector in the same way that they are compelled to with state and federal governments. I do not know whether that is the actual case; it is certainly the perceived case by having federal and state as compulsory voting and local government as not being compulsory. I come across people often in the community, particularly younger people, who dismiss local government, and a big part of that is because they do not need to vote. That is a conversation I would like to have.

I think that when you are talking about capacity and increasing the capacity of elected members you do need to look at how they are elected and you need to look at the size and scale of councils and you need to look at ways in which you can encourage good people to be involved in local government. With respect to the size of local governments, the two local councils I know most intimately are, obviously, the City of Marion (because of my role on that council) but also the City of Holdfast Bay (because my electorate is split pretty much fifty-fifty between the cities of Marion and Holdfast Bay), and they have respectively budgets of about $75 million in the case of Marion and about $50 million in the case of Holdfast Bay.

If those were companies, if those were private businesses, you could imagine the level of empowerment that their boards would have, the skills required on their boards and they would likely be floated on the Australian Stock Exchange and have fairly significant management structures and governance in place. They certainly would not have the level of capacity that we have with elected members on local government. I think that there is a tension between getting the right elected members, getting elected members with the capacity and also staying true to grassroots democracy, which is also very important.

In the City of Marion we attempted to do that by blending our elected member body with a series of independent members, people like Chris Daniels, the ecologist; Marty Gauvin, the entrepreneur; John Bastian, who is well known in business circles in South Australia; and Darren Bilsborough, an infrastructure expert.

We brought these people on board in order to help the council with its strategic thinking through our Strategic Directions Committee. All councils are required to have a strategic directions committee of some sort, but our use of independent members in the City of Marion was quite interesting and something that did help us think more in that complex space.

I mention that, I make those comments about the complexity of local government, because I do support the government's intent in this bill to look at accountability and governance and the need to make sure that it just tightens up some of the governance frameworks and the accountability mechanisms, particularly around conflict of interest. We see the government fleshing out the definitions of conflicts of interest, looking at material conflicts of interest and perceived conflicts of interest and actually doing a bit more work in a legislative sense around those definitions, and I think providing councils with much more of a policy framework, a legislative framework around which to work with elected members around those conflicts of interest.

I think that in local government, more so than other tiers of government, you are probably more likely to come across particularly perceived conflicts of interest, so the work in a legislative sense around conflicts of interest has to be ramped up a bit for local government because I do think there is space for confusion. The substantial class test, which is used to determine conflicts of interest legally, is a bit more difficult in local government because elected members in local government are often dealing with things that are part of their day-to-day lives, whether it is a park down the street or a sporting club that they use, or a sporting club where they gain most of their votes from, and things like that.

Local government members, local councillors, are much more likely to be embedded in the immediate community that they represent, because wards are smaller in population and focused on particular communities, perhaps more so than state government and certainly more so than federal government. These things do perhaps make conflicts of interest in the local government space a little more difficult to deal with. I commend the government's work to tighten this up, to try to create more of a legislative framework around it and to improve the openness, accountability and transparency of local government and create an environment where local councillors and the administration teams which are supporting them have a clearer map of what is the correct thing to do here.

In closing, I do commend this bill to the house. I look forward to seeing it supported and passed into law and I would encourage the government and the minister to keep thinking about local government reform, be bold about local government reform and think about local government reform alongside the planning laws which the Deputy Premier and planning minister introduced into state parliament yesterday. Continual local government reform is very important for this state, from both a sense of community development and, very importantly, from the point of view of economic development.

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (17:31): First, I thank all members on the other side for their contributions to the debate on this bill and also the shadow minister for his comments earlier on. It is good to be able to have this bipartisan discussion on bills. Just to reiterate, this bill seeks to strengthen accountability and governance in local government and is a collation of improvements that have been proposed over the past few years, as well as some provisions that I have considered since becoming the Minister for Local Government.

Many of the provisions in this bill have come at the request of the Local Government Association, the ICAC commissioner and the Ombudsman. While various provisions in this bill will be of particular importance to elected members and council management, the reform of the conflict of interest provisions is of more general significance.

During the course of the second reading debate, members raised issues and perspectives which can be addressed in a more focused way during the committee stage of this bill. I will, however, make further comment now in relation to two matters, the first being the management and transferring of Housing SA stock to community housing providers and the second being the measure of this bill that requires part of the members' register of interest to be published on a website.

Most members are aware that, under section 161 of the Local Government Act 1999, community service organisations that provide community housing are eligible for a 75 per cent rebate on council rates. Former Housing Trust properties did not receive the council rate rebate, with full council rates being payable by the relevant state agency. I am advised that, in conjunction with the federal government, the state government has approved the transfer of approximately 5,000 Housing Trust properties to the community housing sector with about 1,100 of those properties currently in the process of being transferred.

The Local Government Association has suggested that if all the transferred properties were immediately eligible for the 75 per cent rate rebate, this could deliver a significant revenue shock to the affected councils. My understanding is that a previous minister responsible for social housing policy agreed to remove the 75 per cent rate rebate eligibility through contractual arrangements with the community housing providers for the first 1,100 homes to be transferred.

A draft of this bill was used in consultation ahead of introduction to parliament and it included a proposal to amend the current section 161 as one way of providing an element of certainty for councils with regard to eligibility for the rebate. In the process of finalising the bill for introduction to the parliament, the Minister for Housing and Urban Development advised that he intends to continue to consider the question of the application of council rate rebates on a case-by-case basis through contractual arrangements with community housing providers.

The Minister for Housing and Urban Development has also given undertakings to work with the affected councils and the Local Government Association to discuss the terms of any future transfers of Housing SA properties to the non-government sector. I have received correspondence from the Minister for Housing and Urban Development, who sees Housing Trust stock transfers to the NGOs as an important part of improving social and affordable housing. I quote a portion of that from the minister:

> My position is to enable the rates rebate to form part of the contractual negotiations on a case by case basis that considers both benefit and cost for each local council and the community. As the Minister for Housing and Urban Development, I am committed to continue working with the Local Government Association and councils regarding the terms of transfer for the next 3,900 homes to ensure the impacts are managed and the opportunities for the mutual benefit of vulnerable people, local communities and local government are created.

It is also my understanding that the Local Government Association has been in discussion with Renewal SA about how this process can be effectively used. In addition to requiring parts of the elected member register to be published on a website, my view is that this is not only in keeping with other measures of this bill that seek to improve transparency and accountability. I think it also provides a mechanism for disclosing relevant interests in a way that meets contemporary community expectations for access to this kind of information.

In bringing the debate to a close, I draw members' attention to the government amendments that have been filed. These relatively minor adjustments to the bill were requested by the Local Government Association and can be dealt with, if necessary, during the committee stage. Once again I thank members for their contribution. I also thank the Local Government Association, the ICAC commissioner, the Ombudsman, everyone from the Office of Local Government and, in particular, my staff, for their invaluable assistance in the preparation of this bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1 to 3 passed.

Clause 4.

Mr GRIFFITHS: I note that in the amendments to clause 4 it refers to interpretation and the definition of 'relative', where you have included stepmother, stepfather, stepson and stepdaughter or any member of a person's family who resides in the member's household. Can you give me the reason those additional interpretations have been used?

The Hon. G.G. BROCK: This is an amendment that expands the definition of relative to include stepson, stepdaughter, stepfather, stepmother or other member of the person's family who resides in the member's household. It is considered that the current definition of relative is too narrow in relation to conflicts of interest that are required to be declared, so the intention is to update the act to reflect contemporary definitions of the term 'relative'.

Mr GRIFFITHS: I must admit that I thought it also related to the conflict of interest provisions. I respect the fact that my next question is not necessarily the minister's responsibility, but is it an expectation that when other pieces of legislation are debated that have a definition of 'relative' they will be changed in a similar way to include these additional relationships?

The Hon. G.G. BROCK: That will be in consultation with the councils, the Local Government Association, and also the Ombudsman.

Mr GRIFFITHS: Sorry, that was not my question. Other legislation that comes before the parliament that has a definition of 'relative', will that be changed to include these sorts of provisions as well?

The Hon. G.G. BROCK: Are you talking about the conflict of interest at this particular point or any legislation? We will still be going through the consultation with the LGA and it will be dealt with in the same way.

Mr GRIFFITHS: I will not occupy the committee's time for long, but I was interested in the fact that families are much broader in nature now than what they once were. I understand that, but I suppose my question relates to a wider perspective on all legislation that includes the definition. It is not your responsibility, because they are other members' responsibilities, but is this part of some uniformity that would exist within government legislation in the future about changing the definition?

The Hon. G.G. BROCK: No; this will only relate to the Local Government Act provisions. That is what we are talking about at the moment.

Mr GRIFFITHS: If I could move forward then, otherwise we will be here for a long time talking about that bit. I note that at about the middle of the page it states, 'Section 4—after subsection (1) insert:' and then, 'For the purposes of this Act, public notice is given if', and then there is some definition that is attached to that. Can you explain to me: if that is purely around the basis of bringing a website into public notice, what the reason was to create that amendment?

The Hon. G.G. BROCK: This is an amendment that requires that the publication of a public notice should include a relevant website. It also amends the requirement for publication in a newspaper circulating within the state so that it is circulating within the area of the relevant council. Currently, the public notice refers only to that published in print. The intention is to reflect contemporary expectations that information is available on the internet, while balancing the high cost of advertising in statewide newspapers with the need to provide the relevant and requisite notice.

Mr GRIFFITHS: I indicate that I appreciate the minister's responses and I am prepared to now support clauses 4, 5, 6 and 7.

Clause passed.

Clauses 5 to 7 passed.

Clause 8.

Mr GRIFFITHS: Minister, public consultation policies, this one interests me, particularly as public consultation will be key when it comes to the development bill that is going to be debated in a couple of weeks time. It is important for me to actually understand that what the intention of this is is to not only improve the way in which the community can be aware of what the policy is, and that is what it seems to be by virtue of the fact that publication of the notice has to be included, but does this give you confidence that what is going to be here now is actually a best case example of what public consultation is, or is there still a lot of work to do on the actual policy that exists within individual councils also?

The Hon. G.G. BROCK: Section 50, which is (4)(a), is the amendment that requires publication of a council's public consultation policy on a website determined by the chief executive officer. The update of the act has been undertaken to reflect community progression to using the internet to access the information.

Mr GRIFFITHS: For example, I am a bit of an old-fashioned person but I know there are many members and many organisations, and the LGA itself uses Twitter and Facebook and that sort of stuff. Do you think that necessarily extends to the fact that in trying to encourage a younger generation of people to be interested in local government this would have been an opportune time to consider including those sorts of provisions in it, or indeed is what is in here, by definition of a website determined by the chief executive officer, does that provide the scope for requirement for those methods to be used, for the policies to be available?

The Hon. G.G. BROCK: I am old fashioned. I am not up with Twitter and Instagram, or whatever it is. This is trying to get the best opportunities for communication consultation out there. We want the best practice guidelines developed with the LGA and with councils across the state, and that will include, from each council, the best modern technology that is available for them, bearing in mind that there are still people like myself who are old-fashioned.

Mr GRIFFITHS: I understand that, so can I assume that, where the term 'website' is used, that is inclusive of these other options also, or is that an individual policy, council by council?

The Hon. G.G. BROCK: I have just been advised that it is individual policy, council by council.

Clause passed.

Clauses 9 and 10 passed.

Clause 11.

Mr GRIFFITHS: Clause 11 refers to the substitution of section 67. I am bit intrigued by new subsection (2) where it provides:

> It is a defence to a prosecution for an offence against subsection (1) to prove that the member did not know, and could not reasonably be expected to have known, of the relevant change or variation.

I wonder if the minister is able to put that in a more easily understood version of the English language and give an example of it.

The Hon. G.G. BROCK: This is an amendment that requires that a change or variation to the information appearing on the register of interest must be updated within one month of the change or variation by notice to the chief executive officer. It carries a maximum penalty of $10,000, but with a defence if the council member did not know and could not reasonably be expected to have known of the change or variation. This was a recommendation of the Ombudsman and it aims to increase transparency and accountability by requiring that such information is updated regularly. An example is that a daughter did not advise the member of a change, so that is one of the issues. It is a standard clause for matters that a member could not be reasonably expected to know, just to safeguard the member.

Mr GRIFFITHS: I can understand, with the definition of family members, that it becomes a bit more inclusive now, so potentially it is. I wanted to ensure that there was some form of record in the *Hansard* about that. I accept the minister's explanation on that and I can understand the reasoning for it.

Clause passed.

Clause 12.

Mr GRIFFITHS: This one is easy, minister. I note that it refers to amendments to section 68 and it provides: 'Despite this Division and Schedule 3'—and this is the issue for me—'if the chief executive officer is satisfied…'. That is an objective thing to me. It always concerns me when legislation includes objective assessments to be undertaken at any level, and I think that is where the potential exists for some trouble to occur. Given that this is your amendment, minister, can you give me an outline of why those particular words were chosen?

The Hon. G.G. BROCK: Are you talking about section 68?

Mr GRIFFITHS: Yes.

The Hon. G.G. BROCK: I wanted to double-check what we are talking about because we have another one, inspection of register, at section 70. This is an amendment that ensures that a similar mechanism applies as to that in relation to an assessment record, in that the chief executive officer may suppress an address, if requested, or must, if it is suppressed on the electoral roll, bearing in mind that some are not on the electoral roll. There is currently no mechanism available in the act for withholding the address of a person from the public if circumstances warrant it.

While accountability and transparency are integral to good governance, as we have all mentioned, there are situations where someone may not want their personal address disclosed; for example, a police officer. The intention is that this enables any personal safety concerns to be met.

Mr GRIFFITHS: I can respect that a provision needs to be there. I understand that there will be circumstances where there is a very valid reason for it, but it is only my question on the fact that the word satisfied is there. That is why I am wondering if there are any form of guidelines that your office or the Local Government Association, who are working with you, will develop to set a template of what satisfied actually means, because we know that with elected members and chief executive officers, in this instance, on many occasions there are excellent relations that work well. On occasion that is not quite the case. I know it needs to be a little bit where you have to give consideration to issues and individual information that sometimes you do not want available to a wider community, but is there going to be some form of guidance available to ensure that the right decision is made?

The Hon. G.G. BROCK: Yes, this is the start and we are going to be working very closely with the LGA regarding the future direction of this, but there are times when we have to suppress somebody's name, as you indicated a minute ago, and the guidelines will be formulated and a template will be developed.

Mr GRIFFITHS: I confirm that I accept clause 12 based on that explanation from the minister.

Clause passed.

Clause 13.

Mr GRIFFITHS: This is one of the more contentious measures and it is the area in which during my second reading contribution I read out the words of the Local Government Association: they are opposed to it implacably, I think was the word. The minister in his second reading contribution has determined that this is the way he wants to operate. I am interested because it is a contentious one. I think other members who have made contributions also want to ensure there is a capacity in this for good quality people to nominate. The LGA put in writing its concern that this restriction will make it even harder to get people prepared to stand up before others and be elected. Is this an area that you are giving further consideration to or it is something that you will pursue and are not prepared to accept amendment?

The Hon. G.G. BROCK: This is an amendment that enables members of the public to inspect or obtain a copy of the register of interest without having to submit a written application. It also requires certain details of the register to be published on a website determined by the chief executive officer of a council, as mentioned a minute ago. This was a recommendation of the Ombudsman and is in line with requirements of members of the House of Assembly. The aim is to increase transparency and accountability and meet contemporary expectations of information being available on the internet.

I know that the LGA is strongly opposed to this, and I am aware that the LGA board, and at least some councils, are opposed to this change to require selected parts of the council members' register of interest to be published on a website determined by the council chief executive officer. I make the following points in support of this amendment. Firstly, the community has a right to access relevant information to reassure them that their elected representatives in all levels of government are acting in the public interest.

Secondly, there is no change to the requirement for the contents of the register of interest to be publicly available. Currently, the complete register of interest is available to any member of the public for inspection on application at the council office. Furthermore, a member of the public is entitled to a paper copy of the register for a fee. Therefore, the current proposal does not change the basic requirement for public disclosure of this information, it simply makes this information more readily available to constituents. In this day and age, I find it difficult to understand why information required to be disclosed by law should not be published on the internet. After all, the interests of members of the lower house are published on the parliamentary website.

Thirdly, I have heard an argument that information published on a website can become out of date and can be used for malicious purposes in the future. There are two responses to this argument. Clause 13 of this bill requires the council chief executive officer to ensure the details contained on the website are updated at regular intervals and in my view that includes removing the information when a person ceases to be a member. The council member is required to notify the chief executive officer of any changes to the register of interest within one month of the change occurring. That is clause 11 of this bill which clarifies that requirement.

Mr GRIFFITHS: I respect the fact that the minister has reached a position on it and will not, therefore, consider an amendment at this stage but I do flag the fact that, potentially, as part of the upper house debate on this I might put forward an amendment. However, there are some points I want to seek clarification on during this debate. I want to look at subsection (1)(a1)(b) which talks about 'the name of any political party'. I want to ask some questions about that and there are a couple of areas I want to go on that one.

Therefore, it sets in place the requirement that information is publicly available on the website about a political membership that any current member of council may have but, when it comes to election time and there are nominees who have never been on council before, do they have to disclose that same level of information to ensure that those who vote actually have access to equal knowledge to assist, potentially, a new member or a new candidate?

The Hon. G.G. BROCK: Currently, the political party is on the register. There is no change to what it is currently at the moment. We are considering the other opportunity you mentioned when looking at some alterations to the Electoral Act and, as you know, there is a new commissioner coming in.

Mr GRIFFITHS: The minister would be aware that the Hon. Robert Brokenshire has introduced his own private member's bill that talks about this and, in its first version, it had a requirement for the ballot paper to show the political affiliation, which was an error, I am advised, and he has withdrawn his amendment to clause 6. I know from the good contact that your staff provides to me, it has been confirmed that this is part of the review post the 2014 state election that the Electoral Commissioner and the department is undertaking. I understand that point but I want to make the point on it, though.

Sitting extended beyond 18:00 on motion of Hon. G.G. Brock.

Mr GRIFFITHS: Under paragraph (c) of subsection (1), it talks about 'any gifts received by the member that are required to be included in the information entered in the Register in relation to the member'. Can you confirm what the minimum value attached to that gift is?

The Hon. G.G. BROCK: We will have to come back to you on that but it will stay the same as it is at the moment. We will come back to you on that.

Mr GRIFFITHS: I could not find it in section 70, either. That is why I asked the question. I do note in the draft bill that was provided to me by the minister some months ago, that it included a reference to hospitality also being an issue that had to be put on the register but, from what I am reading, that does not appear, unless you interpret the fact that 'gift' is hospitality also.

The Hon. G.G. BROCK: The hospitality section has been removed. It is not classified as a gift.

Mr GRIFFITHS: That is interesting because I think that for the parliamentarians, we actually have to for hospitality, I thought. I thought there was a $750 gift?

An honourable member: Gift.

Mr GRIFFITHS: Alright. I am prepared to put that on the record. Can I confirm that I support clause 13.

Clause passed.

Clause 14.

The Hon. G.G. BROCK: I move:

Amendment No 1 [RegDev-1]—

Page 7, line 30 [clause 14, inserted section 73(2)(a)]—Delete 'area or a ward' and substitute 'council area'.

Amendment No 2 [RegDev-1]—

Page 10, line 13 [clause 14, inserted section 75(4)]—Delete 'area or a ward' and substitute 'council area'.

These are minor technical amendments requested by the Local Government Association. As it is considered that the term 'council area' better reflects the intention of the shared interest exclusion the amendment ensures a consistent approach for councils, recognising that not all councils have wards.

The ACTING CHAIR (Mr Odenwalder): Member for Goyder, do you want to respond to those amendments?

Mr GRIFFITHS: Only to confirm that the opposition supports them.

Amendments carried.

Mr GRIFFITHS: I still have questions on clause 14.

The ACTING CHAIR (Mr Odenwalder): I beg your pardon. We have put the amendments, so you can talk to clause 14 now.

Mr GRIFFITHS: My support was for the amendments given by the minister yesterday, but I do still have questions on the original bill. Can I say, minister, I support you entirely on conflict of interest and what you are trying to do with the two definitions that are provided there. Actually I am interested in what the definitions of them are. I am wondering in the first instance where we are

talking about material conflicts of interest if the minister can give an outline for the benefit of *Hansard* and those who may choose to read it in the future, what it means.

The Hon. G.G. BROCK: Thank you, and I am glad that you agree with what we are doing on this one, but I do explain the difference. This reform repeals the current chapters 5, part 4, division 3 of the act and replaces it with a new division 3.

This reform establishes the material conflicts of interest, which include those situations where a council member or a person or entity closely associated with the member stands to gain a benefit or suffer a loss depending on the outcome of the consideration of the matter at the council meeting. The government's intention is to capture the most serious conflicts of interest in the material conflicts of interest category, especially those matters that would result in a financial gain or loss for the council member or associates.

The intention is to send a very clear message to the local government sector that material conflicts of interest are serious matters and must be treated accordingly. I will give members a couple of examples of a material conflict of interest: a land rezoning project involving a commercial agreement in excess of $100 million. Negotiations are being undertaken in relation to the cost sharing arrangements between the state government agencies, the council and the individual owners in relation to the provision of roads, services and infrastructure for the rezoning.

The outcome of the negotiations would be infrastructure deeds that would require the relevant landowners to make financial contributions towards the provision of various types of infrastructure. These financial contributions would be made by a levy on the gross sale of the relevant land. This levy amount is the critical negotiation between the council and the landowners. The negotiations are critical as the process stipulates that all infrastructure requirements are to be identified and costed and funding agreed between the parties before the land can be rezoned from horticultural to residential, for argument sake.

An example of this is as follows: Councillor A resides and owns land in the areas of subject to the rezoning negotiation. Councillor A is also chair of the relevant community committee advocating for relevant landowners in this matter. Accordingly, Councillor A receives legal advice that notes that the proposed rezoning may result in landowners, such as the councillor, receiving a significant financial benefit if the development plan proceeds.

The advice concludes that Councillor A would be conflicted when the council makes decisions in relation to the DPA and that, at council meetings, Councillor A should disclose the conflict and not participate. However, Councillor A remains and participates in a council meeting that considers the infrastructure negotiations in confidence.

Specifically, Councillor A votes for a motion that endorses a 0.5 per cent levy on gross sales to contribute to the funding of associated infrastructure, and when that motion was set aside and lost following a division, Councillor A votes against the motion that endorses council staff to continue to pursue up to a 1 per cent levy on the land.

Mr GRIFFITHS: Is that the fantasy example, or has that actually occurred? I must say, the quantum of dollars involved is rather interesting.

The Hon. G.G. BROCK: It may appear that way but this is based on the Ombudsman's report to me as the minister, and we want to separate the two.

Mr GRIFFITHS: Mr Acting Chair, I apologise for being flippant by referring to 'fantasy version', but I suppose I would have appreciated a version that is in the financial realms that people can actually understand. That is the large picture scale of it, but it is material conflict of interest and I thank you for putting that on the record. Paragraph (i) in subsection (1) within new section 73 under clause 14 refers to 'a person of a prescribed class'. Can you explain to me what that means?

The Hon. G.G. BROCK: That is 'a person of a prescribed class'?

Mr GRIFFITHS: Yes.

The Hon. G.G. BROCK: That just allows for regulations to be made from that, if necessary.

Mr GRIFFITHS: I understand that a regulation will stem from it, but I still do not understand what 'prescribed class' means.

The Hon. G.G. BROCK: We do not have any terminology for 'prescribed class' at this particular point, but it allows us to have that in there if we are going to make any regulations at a later date.

Mr GRIFFITHS: I refer to subsections (3) and (4) which, again, I do not believe were included in the draft version that was provided to me.

The ACTING CHAIR (Mr Odenwalder): This is in the amended version?

Mr GRIFFITHS: This is in the bill as it was tabled originally on 1 July, Mr Acting Chair—not the amendments from yesterday, but the bill from 1 July. Given that subsections (3) and (4) were not part of the draft bill that we spoke about, I am just looking for some details on them, please.

The Hon. G.G. BROCK: As you say, these were not in the original bill. We were advised by the Ombudsman and parliamentary counsel to bring these into the new bill.

Mr GRIFFITHS: My next question relates to new section 74 under clause 14, which provides at subsection (1):

> If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must—
>
> (a) inform the meeting of the member's material conflict of interest in the matter;

This is an obvious one I must admit, but, on this basis, if a member declares that they have an interest in it should there be an opportunity for the council to debate if an interest does exist? If a member declares it that is an open and shut case and you have to accept that; there is no need for them to agree to it, for example.

The Hon. G.G. BROCK: Can you repeat that?

Mr GRIFFITHS: It provides:

> If a member of a council has a material conflict of interest in a matter to be discussed…the member must—
>
> (a) inform the meeting of the member's material conflict of interest in the matter;

Because people are cautious by nature—and the majority of them are—I believe there will be occasions, particularly when the new interpretations are still being sorted out, when members will declare they have a material conflict of interest. What if others, who might be more educated on what the provisions of the legislation actually mean, do not believe that is the case?

The Hon. G.G. BROCK: It is really still a matter for the member themselves to decide to declare it. That is about all I can say at this particular point.

Mr GRIFFITHS: I know that it is not an easy one to determine; I respect that, and I believe it will be used in the best ways. If we go to subsection (3) under this section 74, it refers to the fact that the minister may grant an approval in writing to a member of the council to take part in a meeting. I understand the circumstances and all that sort of thing, but how do they apply to you, minister, and are there time frames in place in which you have to respond? When notices are given of a meeting and what the agenda items are, it might be three days or something like that for an agenda to be available beforehand.

The Hon. G.G. BROCK: As the member would understand, because he has had local government experience, this has very rarely been used. If it did come up then the minister at the time would respond as quickly as they could to request that. However, from my memory this has never come up in my time in council. It is there as a precaution.

Mr GRIFFITHS: So writing includes the definition of an email correspondence, both ways, being acceptable to say it is in writing? Okay. I go now to section 75, where it is actual or perceived conflicts of interest. I believe it would be beneficial for you to put on the *Hansard* what the definition of that is.

The Hon. G.G. BROCK: This reform establishes the second category of conflict of interest, as you mentioned before: actual and perceived conflicts of interest. This category includes matters considered to be less serious than material conflicts of interest, but nevertheless interest must be disclosed and documented. These reforms are based on the fundamental principles that council members must always consider the public interest in any decisions or actions taken in their role as a council member. The private interest of a member must never prevail over the public interest in that context.

An actual conflict of interest can be distinguished from a material conflict of interest because the potential gain or loss to the council member is less significant; for example, it may be a non-financial, minor gain or loss. Most importantly, an actual conflict of interest, while needing to be declared, is less likely to influence the judgement of a member on the matter to be decided before the council.

Mr GRIFFITHS: I do not have any other questions on that. I just thought it was important to put on the record what the other example is. If I can go to 75A, which is on page 10. Approximately halfway down, under subsection (2), it states:

> If the member proposes to participate in the meeting in relation to the matter, how the member intends to deal with the actual or perceived conflict of interest.

Therefore, I assume the member has to explain how they intend to deal with it. My question then becomes: what if the other relative members of council cannot accept the explanation?

The Hon. G.G. BROCK: Unlike material conflicts of interest where there is only one course of action available to the council member, provision is made for a range of actions for a council member with an actual or perceived conflict of interest. It is important to note that management of this category of conflicts of interest does not automatically require a council member to leave a meeting. The fundamental principle is that the council member must deal with the actual or perceived conflict of interest in a transparent and accountable way. There is no automatic requirement for the council member to leave the meeting and refrain from voting on the matter. In these situations the council member is required to disclose the interest to the meeting and advise the meeting of how the interest will be managed if the member chooses to stay in the meeting and vote on the matter. These details must be recorded in the minutes of the meeting, including how the council member voted on that matter.

Mr GRIFFITHS: I can understand and indeed it sets the scene for those who may be aggrieved by a decision made by the elected member as part of that discussion and therefore subsequent action taken at a different place in a different way. I just wanted to raise that point also. I am interested in subsection (3) where it determines that if a quorum cannot be established because a member has decided to exclude themselves, it basically gives you an out and lets that member remain and be involved in the discussion and, indeed, vote. That intrigues me.

The Hon. G.G. BROCK: If I understand the member's question, if the member leaves the chamber with a conflict of interest declared and there is not a quorum, is that what you are indicating? Can you repeat the question?

Mr GRIFFITHS: I understand it is a bit confusing. It starts off, if a quorum at a meeting cannot be formed because a member of a council proposes to exclude himself or herself but then it provides an out, that if a quorum cannot be formed and therefore the meeting will have to be dissolved then that member is able to remain and not be found to be in offence of anything, but I presume still sets themselves up for an action by another person at a later date on this. That is why I am intrigued by why the provision exists.

The Hon. G.G. BROCK: These are dealing with less serious conflicts of interest and if a member does abuse it there is the out, there is the process of a code of conduct for the councillors or the council to proceed with that.

Mr GRIFFITHS: I only raise the point because if the member has determined that they should not take part in it but they are then required to stay to ensure that the quorum exists, I think that puts pressure upon the individual. I just wanted to raise that point. If I may jump—

The Hon. G.G. BROCK: We will note your comments.

Mr GRIFFITHS: If I am wrong, I apologise. If I can jump to 75B—Application of Division to members and meetings of committees and subsidiaries, and it refers specifically to: these provisions extend to committees of the council. I know the committee structure is not used as extensively as it once was within local government when there were an enormous number of community-based groups that were subcommittees of the council, but has there been any feedback from any group to you, minister, about the fact—and I understand this comes from a higher level, that the request has been made—that this will make it even more challenging, where committees do exist, to get community-based members to participate in them because of the requirement to abide by what the Local Government Act now says?

The Hon. G.G. BROCK: As we all know, this is an amendment that ensures the conflict of interest provisions extend to all committees and subsidiaries of that. This is a safeguard, but there has been nothing reported to me, to my knowledge, during my period but it is a safeguard.

Clause as amended passed.

Clauses 15 and 16.

Mr GRIFFITHS: I am happy with clause 15 but I have a question about legislation that is not included in this, in the Local Government Act still. Given the spirit of bipartisanship that exists, if I can pose the question now to the minister, it relates to section 79—Register of allowances and benefits. It does not talk about websites. There are a couple of examples that I have found here where changes have been made to include websites as an allowable form, but in section 79 of the Local Government Act 1999 it refers to the register of allowances and benefits but in my review of that it does not talk about that information being available on the website. Was it the intent as part of the review to include all examples of where information is available for the community and policies and all that sort of stuff to require it to be published on the website?

The Hon. G.G. BROCK: We will have to take that one on notice and come back.

Mr GRIFFITHS: The next one is actually on the next clause that exists in the basic act which is section 70A which is about training and development. It refers to the fact that the council must adopt it for its members but I believe it is another example of where potentially the community interests might be. For a newly elected member of the council, what training do they have to undertake? It might be a good idea if a policy exists—great, yes—and that has been subject to changes from legislation last year about training requirements. Shouldn't that be a policy that is also available on the website?

The Hon. G.G. BROCK: We will take that on notice and note your comments on that.

Clauses passed.

Clause 17.

Mr GRIFFITHS: I want to confirm that the opposition accepts the amendment.

The Hon. G.G. BROCK: I move:

Amendment No 3 [RegDev–1]—

Page 12, line 8 [clause 17(1), inserted paragraph (c)]—Delete 'or the State'

This is a minor technical amendment requested by the LGA. The intent of this provision is to ensure that councils do not exclude members of the public from a discussion of matters that are controversial within the council area with this as the sole reason. Issues that are controversial across the state are not relevant to the intent of this amendment.

Amendment carried.

Mr GRIFFITHS: First, I state that I actually agree completely with the changes that are being proposed, but I have some questions, particularly when it refers to section 90, after subsection (8). This about the middle of the page on page 12. It refers to (8a) and then paragraph (a) underneath that, that a council has adopted a policy on the holding of informal gatherings or discussions. My question, therefore: is the minister proposing that there be consistency on the policy and that a template be prepared and provided by him to the Local Government Association and all 68 councils?

The Hon. G.G. BROCK: This is an amendment that requires all councils to have a policy in relation to informal gatherings, and we mentioned that earlier on. The policy will need to comply with any requirements of the regulation. It is the government's intention that these policies will include a requirement for councils to decide on a case-by-case basis whether or not informal gatherings and workshops should be open to the public.

It is also my expectation that the policy would include a process of notifying the public about when an informal gathering will be held and whether or not it will be held in confidence and, if so, the grounds for it being held in confidence. This was a recommendation of the Ombudsman, as the Ombudsman, through his investigations, noticed perceptions that councils were improperly making important and sensitive decisions at informal meetings behind closed doors. It was a recommendation of the Ombudsman and we will be keeping a close eye on this one. I will also consider whether any regulations may be required at a later date.

Clause as amended passed.

Clause 18.

Mr GRIFFITHS: I note that this clause relates to the minutes and the release of documents and the time frames in which a decision of council has to be actioned, if indeed the intention is to keep them on a confidential basis, and for an order to be specified. Is there a limit as to how long such an order be created for? From what I have seen, it is only 12 months at a time, but is there an end date on how many times that can actually be undertaken before information has to be available?

The Hon. G.G. BROCK: That is a good point. This is an amendment that aims to make it clear that, if a council or council committee seeks to extend the duration of a confidentiality order over documents, it must resolve to do so before the date of the expiry of the preceding order, and that it must be the council or council committee that resolves to do so. This power cannot be delegated to an employee of the council.

It also should be noted that section 91(9)(b) of the act requires that, if an order is made to keep a document or part of a document confidential, a note must be made in the minutes of the meeting recording the making of the order, the grounds on which the order was made and the decision that was made. The minutes of the meeting are to be held in a public area. As to the question about whether it is six months or 12 months, they have to be reviewed every 12 months.

Mr GRIFFITHS: I understand that and I apologise if I was not listening as intently as I should have been, but is there a certain number of times that that can be undertaken?

The Hon. G.G. BROCK: No, it is not currently in the act, but it would be subject to the Ombudsman. We will take on board your comments for discussion maybe with the Ombudsman as we go along.

Clause passed.

Clause 19 passed.

Clause 20.

Mr GRIFFITHS: This clause is about vacancy in office, where the chief executive officer resigns. I consider this one a big call, I have to say.

The Hon. G.G. BROCK: Consider it a big call?

Mr GRIFFITHS: Yes, and it is interesting legislation. I will pose a question to you on this, because it provides:

> …a chief executive officer who resigns under subsection (2)(a) may, before the date that the resignation takes effect—

is that the last day that they would work?—

> withdraw the resignation by notice in writing to the council.

I note that, where this occurs, the council still has to resolve to accept that withdrawal of the resignation, and I understand that. My question relates to the fact that I am not sure of the timing,

because it refers to 'takes effect', and I need some definition on that. I give you the example that, if a CEO decides to resign and they put an end date on that, and it might be three months in the future, and the council decides to accept it at that time because they have to, and they go through the process of advertising, interviewing and an appointment, but no commencement actually having taken place yet, because it might be a month beforehand—they might have got through it quickly. So, in effect, you have somebody there but you have someone else ready to start because you have made the appointment. What happens then?

The Hon. G.G. BROCK: I am advised that the council is not obliged to accept the withdrawal of the notice from the officer.

Mr GRIFFITHS: And that is true. My only concern is if the personal relationship with the CEO and elected members in the majority had been sufficient that, if they had changed their mind for whatever reason and wanted to come back and the council said yes. What would occur then? I know the potential exists for the aggrieved person, who no longer has the role available to them because the council has resolved in the majority to accept the withdrawal of the resignation. Does that set up a precedent where legal action can take place to recover what would have been the value of the contract over the period it was offered?

The Hon. G.G. BROCK: The council may have to seek its own legal advice on that because it is not normal or desirable. However, we will take your comments on that.

The CHAIR: So 20 is okay?

Mr GRIFFITHS: Given that the Treasurer is putting some pressure on me, I am prepared to jump through to clause 28.

Clause passed.

Clauses 21 to 27 passed.

Clause 28.

Mr GRIFFITHS: Clause 28 is about the inspection of the assessment record, where it requires that a person who inspects the assessment record or obtains a copy, made an entry of it, must not use the information so obtained for advertising or marketing activities for commercial purposes. How are you going to control that? I note that it has a $10,000 fine as a penalty, but how do you do that in a practical way?

The Hon. G.G. BROCK: This is an amendment that was requested by the Local Government Association. It states that the information accessed from the assessment record is not to be used for commercial purposes, and it has a maximum penalty, as you have indicated, of $10,000. The intention is to address privacy concerns. It aims to protect property owners from real estate agents or other commercial entities accessing such information for commercial purposes. Aggrieved persons could take their own action or complain to the Ombudsman.

Mr GRIFFITHS: Madam Chair, I confirm that I will accept clauses 28, 29 and 30.

Clause passed.

Clauses 29 and 30 passed.

Clause 31.

Mr GRIFFITHS: I have a very general question on clause 31. This is about road closures. For the life of me I cannot remember this older chap who used to complain about the legal aspects attached to road closures being wrong.

The Hon. G.G. Brock: Mr Howie.

Mr GRIFFITHS: Well done. I congratulate you. Mr Howie. Minister, is this going to fix it? I suppose that is my question. Are the legal experts out there going to say that this is still wrong, or is this the absolute best?

The Hon. G.G. BROCK: This is the advice that we have been given. This amendment transfers the provision of the Local Government Act 1934, which will be repealed by this bill. The

former section 359 of the 1934 act provided a general power for councils to close roads to exclude vehicles. The LGA requested that this provision be transferred to the current act as councils have powers to close roads permanently under the Roads (Opening and Closing) Act 1991. This amendment provides that a council may close a road for a maximum period of 30 days. This will provide flexibility for councils to deal with local conditions without permitting a de facto permanent road closure. That is the advice we have been given.

Clause passed.

Clauses 32 and 33 passed.

Clause 34.

Mr GRIFFITHS: My reflection upon the original draft and the bill provided to me is that clause 34(1) about 'Complaint lodged in District Court' was not in the draft. Can the minister give me an outline of that?

The Hon. G.G. BROCK: With the draft we have tried to be open and transparent with everything. This was an oversight in the original draft, and this is a recommendation of the Ombudsman.

Clause passed.

Clauses 35 to 37 passed.

Clause 38.

Mr GRIFFITHS: This is an easy one. This clause talks about changing:

delete '450 metres of the curtilage of a house' and substitute: 500 metres of a house or dwelling

What is the difference?

The Hon. G.G. BROCK: This is an amendment that was requested by the Local Government Association. It clarifies the provision by removing the words 'of the curtilage', and now states 'land that is within 500 metres of a house or a dwelling'. The aim is to avoid confusion about the definition of curtilage for the purpose of this provision. This section empowers councils to enter or occupy land for various purposes, for example, to obtain earth, deposit soil, construct temporary roads, conduct surveys, inspections and so on. The section currently states that a council is not authorised under the section to enter or occupy land that is within 450 metres of the curtilage of the house.

Curtilage is the legal definition of the land immediately surrounding a house or a dwelling. However, even the term 'immediately surrounding' is not particularly clear. This amendment simply removes the term 'curtilage' and replaces it with a specific metric measurement. Under section 294(1)(a) of the act, for the occupying of land the council is to provide the owner with at least 48 hours notice of entry, in writing. Under section 294(1)(b) it states that notice need not be given if the action is required to be undertaken in an emergency or is otherwise impracticable, or—

Mr GRIFFITHS: I hate to interrupt the minister. I understand the reasons for it, but my question was about the difference in the distance. I can only assume it comes back to the original days when it was 400 yards and converted to 450 metres and now it has been rounded up to a reasonable figure. I wonder if that was the reason.

The Hon. G.G. BROCK: Advice by parliamentary counsel for the wording of that.

Clause passed.

Clauses 39 and 40 passed.

Schedule 1.

The CHAIR: A little question about the schedule?

Mr GRIFFITHS: No, it is not a question but just a comment noting the fact that part 2 repeals the Local Government Act 1934. I think that is worthy of being noted in the house, that is all, because the act did serve local government faithfully for a long time, with a lot of amendments—

The Hon. G.G. Brock interjecting:

Mr GRIFFITHS: I know, but it has still coexisted with the 1999 act, so I just note that.

The CHAIR: Isn't that an important qualification to have there—yes.

Schedule passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (18:38): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (BUDGET 2015) BILL

Committee Stage

In committee (resumed on motion).

Clause 31.

Mr WILLIAMS: I thank the minister, but it does not solve the problem that arises in my mind and I seriously question why we bother. In 1990, the parliament passed a series of amendments to the Stamp Duties Act and certain questions were asked in the parliament of the minister. I think the parliament should be able to expect that the advice that it is given is given in good faith and that when the public sector is administering the law of the state, that it is conscious of what the parliament has decreed by setting out in the law. If there is any ambiguity, I would suspect that those charged with administering the laws of the state in the Public Service would be cognisant of the intent of the parliament.

I think this afternoon I have made it very clear to the house what the intent of the parliament was. I even pointed out the ill that was sought to be cured by the measure that the parliament took back in 1975 and then amended in 1990, and in doing so repeated the ill that had confronted the administration of the law and the measures taken to cure that ill.

Let me remind the house that the ill was that apparently people undertaking transactions which were subject to stamp duty were circumventing their full obligation by breaking up the contracts of sale into smaller parcels, therefore attracting a lower rate of stamp duty. It was never the intent of the parliament to do other than that. Indeed, the minister of the day expressed that that was the intent of the parliament simply to correct that ill and not to impose a further impost on genuine at arms-length transactions. I will explain to the house why I think that what has transpired here is wrong in every sense.

In the matter that was brought to my attention by my constituent he bought from three separate vendors three separate properties. He paid the purchase price on three relatively small properties. Anybody who knows anything about real estate, whether it be commercial real estate or broadacre farming—certainly this applies in broadacre farming—a small property will always attract a better price per unit area than a much larger property of the same quality of land.

Let me say that in my district in the Lower South-East high-quality farming land in a block of 100 acres will always attract a higher price than a block of 1,000 acres, all other things being equal apart from the size, simply because it is easier for more people to be interested, the market is bigger, and more people will have the ability to buy that 100 acres and the price will be bid up to a higher level.

This is important, because in the case of my constituent who bought three adjoining properties from three different vendors, if he bought them as one property, the price per acre would probably have been less, and the amount of stamp duty payable would have been less. What we have here is that the Commissioner of Stamps and/or some other administrator—and it might even

have been an earlier minister of the Crown, I don't know, and I will come to that question in a minute, minister—has not only defied the will of the parliament, in my opinion, but made a serious error in applying the law.

In the case of my constituent, if it was one transaction—if the three separate vendors had conspired to sell their properties together to one purchaser—I would guarantee, and any valuer in the state worth his salt would also back up the argument, that the price per acre would have been less, and the overall value of the property would have been less and therefore the stamp duty payable on the transaction would have been less.

I see this as a very serious matter, and I will explain why. Back in 1990, when the bill was before the house, the deputy leader of the opposition, on behalf of the opposition, put this very case to the minister of the day. The minister of the day said, 'No, you are wrong; that has never been the way this has been interpreted. That is not our intention, and it won't happen in the future.' The parliament moved on with that advice.

Today, the minister has given me some other advice. His advice is that, 10 years on from when the parliament received that initial advice, crown law has given the government, or the Commissioner of Stamps, or somebody, contrary advice. Whose advice should the parliament believe? If I come in here representing my constituents and arguing a point on how we should frame a piece of law, and I am assured of the government's intention and told why the law is framed as it is and I put up my hand and vote for it, what is the point of any of us being here if a few years later somebody says, 'No, no, no, that is not what the law says, we will interpret it completely differently'?

The CHAIR: Is this the question?

Mr WILLIAMS: I have several questions for the minister. One is: who sought the crown law advice in the year 2000 from which a different interpretation has been given? Who sought that crown law advice? That is the first question. The second question is: will the minister tell me whether the word of a minister of a Labor government is worth anything?

The CHAIR: I do not think that is actually relevant to this, is it?

Mr WILLIAMS: Madam Chair, one of the roles I have as a member of this parliament is to scrutinise legislation.

The CHAIR: No-one wants to impinge on that right at all, but we are just a bit concerned about how we can satisfy your question.

Mr WILLIAMS: I am very concerned about it too. I have spent 18 years in this place—

The CHAIR: I have been with you every day.

Mr WILLIAMS: —and at the moment I am questioning—

The CHAIR: Every single day, I have been with you.

Mr WILLIAMS: —what the hell are we doing.

The CHAIR: Just getting back to the actual bill, your question is: who asked for the advice?

Mr WILLIAMS: Yes.

The CHAIR: I am not sure we can help with that—

The Hon. A. Koutsantonis interjecting:

The CHAIR: You can help with that. What is your next bit?

Mr WILLIAMS: My next question is: as a member of this place can I take the word of the minister who is giving the advice?

The CHAIR: And your next bit?

Mr WILLIAMS: The minister earlier in the day invited me, if I was unhappy with his explanation, to move an amendment to the act, and I am very tempted to do that, and so my third question to the minister is: will he support such an amendment?

The CHAIR: It depends what it is, of course, doesn't it?

Mr WILLIAMS: Will he support me in doing that and thereby support his predecessor?

The CHAIR: Let us get to the first two parts of your question. Minister, bearing in mind there are 11 minutes to go, I am sure you do not want this to drag on, do you?

The Hon. A. KOUTSANTONIS: Who do you trust? Independent candidate Mitch Williams, who then goes off and joins the Liberal Party?

Mr Williams: No, I just want a straight answer.

The Hon. A. KOUTSANTONIS: So did your constituents when you betrayed them and joined the Liberal Party after being elected as an Independent. Fiercely independent to the bitter end, until you joined the Liberal Party. Anyway, RevenueSA are the ones who first sought the advice to clarify the operation of the provisions.

Point 2: yes, you can trust Labor ministers because they are more honest, open and transparent than Liberal ministers. That has been my experience. Thirdly, no: I do not know what your amendment is so I do not know if I can support it or otherwise—although, until you launched into your tirade about how trustworthy I was or otherwise, I had a bit of sympathy for you. How do you think that is going for you now?

The CHAIR: Order!

The Hon. A. KOUTSANTONIS: So, the answers to all those are: RevenueSA first sought the opinion; yes, you can trust Labor ministers and you can trust all members of this parliament, because I think we all speak the truth, especially in this place, and I do not think you have any evidence to say that any minister deliberately misled anyone in this place about what their intent was.

Secondly, I would have to see your amendments before I could support them but I think you are better off writing to me about the inconsistency and the way this has been applied in relation to your constituent and ask the government to consider a remedy for that, rather than getting up and calling us all a pack of liars.

The CHAIR: Can we just think about clause 31? We have had lots of questions.

Mr WILLIAMS: Absolutely. I just need to respond to that. I have not called anybody a liar.

The Hon. A. Koutsantonis: 'Can you trust a Labor minister?'

The CHAIR: Order, gentlemen! Let us try to just concentrate on clause 31.

Mr WILLIAMS: Absolutely. I am absolutely certain that Frank Blevins told the house what he told the house in 1990 in absolute good faith. My question is: does the current Labor government stand by the position that he put to the house? The reason I ask that is that if I can get an assurance that the Labor Party stands by what Frank Blevins told the house, I will certainly bring an amendment to the house. That is why I asked the question. Madam Chair, I thank the minister for what he has just said. I apologise to anybody if I have offended anybody—

The CHAIR: No-one is offended.

Mr WILLIAMS: —but I regard this as a very serious matter. I have spent a fair bit of my life in this place and I have argued consistently that this house is sovereign and the decisions we come to in this house I think should be sacrosanct.

The CHAIR: So the question is: do we stand by what the then minister said?

The Hon. A. KOUTSANTONIS: I am not going to be held responsible for what was said in previous parliaments when I was 19 years old.

The CHAIR: Clause 31 as printed?

Mr GRIFFITHS: Can I ask a question? It is very valid. It relates to the response given by the Treasurer to the member for MacKillop's first question in this committee where he used the terms 'essential unity' and 'intended uses'. That, I believe, came from the legal interpretation provided in 2000, but it just seems to me it sets up where someone has to determine within the bureaucracy that

the intention of the purchaser has to be provided at the time of the sale being contemplated, when that may change. That is my concern in the discussion I had with the member for MacKillop. It sets a precedent that you have to say at the start when you buy the place, or places, what your intention is to do with it and that may never occur. That is where I think the flaw is.

The Hon. A. KOUTSANTONIS: What we ask is for people in good faith to lodge with the department what their intentions are and we do a prima facie investigation. In my experience, despite what people say about the Department of Treasury and Finance, they are people of goodwill who are not seeking to relieve people of their hard-earned money unfairly, and they interpret the act on the basis of independent crown law advice. I am also a local member of parliament and I also get frustrated with decisions that are made but we have to, in this system, accept the independent, fearless advice we get from our lawyers and from our public servants. We may not like the outcomes of the laws that we pass if we have drafted them incorrectly.

I take the point the member for MacKillop said earlier. I walk in here, hear a minister say, 'This is the intent,' and I vote for it and it turns out to be different. We are all adults. We are required to read legislation that we are voting on. If we have read that legislation and we have not asked the appropriate questions about whether or not it does satisfy the intent, well quite frankly, we have voted for legislation that does not satisfy the intent and we are just as guilty as the people who have drafted it.

Rather than pour scorn on people who cannot defend themselves, I think the solution, member for MacKillop, is to write to me. I will have a look at it. You have done yourself a lot of favours by calling us dishonest. I will look at it over the next few months, but public servants are only implementing this in the way that they are advised; they are not trying to rewrite laws.

Clause passed.

Clauses 32 to 60 passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (18:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

JUDICIAL CONDUCT COMMISSIONER BILL

Final Stages

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Long title—After '*Freedom of Information Act 1991*,' insert:

the *Independent Commissioner Against Corruption Act 2012*,

No. 2. Long title—Delete 'and the *Ombudsman Act 1972*' and substitute:

, the *Ombudsman Act 1972* and the *Parliamentary Committees Act 1991*

No. 3. Clause 7, page 7, line 14 [clause 7(7)]—Delete 'The' and substitute:

Subject to subsection (7a), the

No. 4. Clause 7, page 7, after line 15—After subclause (7) insert:

(7a) Nothing prevents the person appointed as the Independent Commissioner Against Corruption under the Independent Commissioner Against Corruption Act 2012 being appointed as the Commissioner under this section.

No. 5. Clause 10, page 9, after line 15—After subclause (3) insert:

(4) The Commissioner may, under an arrangement established by the Independent Commissioner Against Corruption, make use of the services or staff of the Office for Public Integrity.

No. 6. Clause 12, page 9, line 35 [clause 12(3)]—Delete 'The' and substitute:

Subject to subsection (3a), the

No. 7. Clause 12, page 9, after line 36—After subclause (3) insert:

(3a) If section 15 applies to a complaint, the Commissioner must not give any notices under subsection (3) on receipt of the complaint but may give such notices if consideration of the complaint under this Act is resumed following the referral under section 15.

No. 8. Clause 15, page 11, line 11 [clause 15(1)]—

Delete 'is of the opinion that a complaint relates to conduct that may comprise' and substitute:

reasonably suspects that a complaint relates to conduct that involves

No. 9. Clause 15, page 11, after line 24—After subclause (2) insert:

(3) However, if the person appointed as the Independent Commissioner Against Corruption is also appointed as the Commissioner under this Act—

(a) the notification referred to in subsection (1)(b) is not required; and

(b) following a referral of a complaint under this section, the Independent Commissioner Against Corruption will determine the extent to which it is appropriate that the complaint be dealt with under this Act or the Independent Commissioner Against Corruption Act 2012.

No. 10. Schedule 1, page 24, after line 28—After clause 6 insert:

Part 5A—Amendment of *Independent Commissioner Against Corruption Act 2012*

6A—Amendment of section 8—Commissioner

(1) Section 8(8)—delete 'The' and substitute 'Subject to subsection (8a), the'

(2) Section 8—after subsection (8) insert:

(8a) Nothing prevents the Commissioner being appointed as the Judicial Conduct Commissioner under the Judicial Conduct Commissioner Act 2015.

No. 11. Schedule 1, page 27, after line 18—After Part 9 insert:

Part 10—Amendment of *Parliamentary Committees Act 1991*

16—Amendment of section 15H—Membership of Committee

Section 15H—after subsection (1) insert:

(1a) A Minister of the Crown is not eligible for appointment to the Committee.

17—Amendment of section 21—Removal from and vacancies of office

Section 21(2)(e)—delete 'becomes' and substitute 'is'

At 18:57 the house adjourned until Thursday 10 September 2015 at 10:30.

Answers to Questions

APY LANDS ROAD UPGRADE PROJECT

184 Dr McFETRIDGE (Morphett) (21 October 2014). (First Session) In reference to 2014-15 Budget Paper 3, page 134, what transport projects are being undertaken with the budgeted expenditure of $106 million for transport upgrades in the APY lands and what are the details of these projects?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development): I provide the following information:

The $106 million transport upgrades project in the APY lands is a jointly funded project between the South Australian government and Australian government. The state government is contributing $21 million and the Australian government $85 million for this project over the next five years.

The APY lands road project includes an upgrade of 210 kilometres of the main access road between the Stuart Highway and Pukatja (Ernabella) and more than 20 kilometres of community roads in the lands, as well as providing all-weather access to airstrips at Pukatja (Ernabella), Umuwa, Kaltjiti (Fregon), Mimili and Marla.

The project will include ongoing training and employment for Anangu through the development of an employment strategy as well as the delivery of a road safety education program.

WORKREADY

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (2 June 2015).

The Hon. J.W. WEATHERILL (Cheltenham—Premier): The Minister for Employment, Higher Education and Skills has advised the following—

WorkReady does not impact and has no direct connection to the SACE Board's policy of how VET is recognised within the SACE. The SACE Board recognises any VET that is listed on the national training register.

Currently, the Training Guarantee for SACE Students (TGSS) is demand driven and school students will continue to be able to access courses that are listed as 'TGSS' on the WorkReady Subsidised Training List. Importantly, the list of courses has been refined to take into account the needs of industry and to target areas that can reasonably be expected to provide employment opportunities. This strengthens the student's chosen pathway. Currently, there is no reduction in the number of training places available for TGSS students and students will continue to have access to their choice of provider.

Estimates Replies

ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT FIRE MANAGEMENT

In reply to **Mr WHETSTONE (Chaffey)** (21 July 2014). (Estimates Committee B)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): I have received this advice:

During 2013-14, DEWNR spent approximately $992,000 on maintaining its firefighter capabilities according to CFS Chief Officer's Standing Orders, Standard Operating Procedures, and Operations Management Guidelines.

ILLEGAL DUMPING

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (21 July 2014). (Estimates Committee B)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): I have received this advice:

Data provided by councils to Zero Waste SA, along with information published annually by Keep Australia Beautiful in the *National Litter Index*, confirms that illegal dumping is decreasing in South Australia.