HOUSE OF ASSEMBLY

Thursday, 5 July 2018

The SPEAKER (Hon. V.A. Tarzia) took the chair at 11:00 and read prayers.

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

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE: EMERGENCY SERVICES LEVY 2018-19

Mr DULUK (Waite) (11:01): I move:

That the first report of the committee, entitled Emergency Services Levy 2018-19, be noted.

The Economic and Finance Committee has an annual statutory duty to inquire into, consider and report on the Treasurer's determination in relation to the emergency services levy. The committee has 21 days in which to report on the written determinations after it is referred to the committee.

This year, the committee received the Treasurer's statement on 31 May 2018. The Emergency Services Funding Act requires the statement to include determinations in respect of the amount that needs to be raised by means of the levy to fund emergency services, the amounts to be expended for various kinds of emergency services and the extent to which the various parts of the state will benefit from the application of that amount.

So that we are clear on the services funded by the emergency services levy, the definition of 'emergency service' in the act means a service provided by the South Australian Country Fire Service, the South Australian Metropolitan Fire Service, the South Australian State Emergency Service, Surf Life Saving SA, a member of Volunteer Marine Rescue SA, or a service provided by the South Australian police department related to, assisting with, or incidental to those organisations I just listed.

On 8 June, the Economic and Finance Committee held a public hearing and invited representatives from the Department of Treasury and Finance, SAFECOM, the MFS, the CFS and the SES. The witnesses provided the committee with details on the proposed levy for 2018-19, and on 20 June the committee tabled its report to meet the 21-day requirement.

I would also like to take this opportunity to acknowledge the tremendous work our volunteer and paid emergency services responders do, which the community relies upon and for which we are extremely grateful. In light of that, the committee notes that total expenditure on emergency services for the 2017-18 financial year is estimated to reach $302.9 million, which is $900,000 more than was originally projected. The committee notes that the total expenditure on emergency services is projected to be $318.4 million in the 2018-19 financial year. This will be funded by the emergency services levy component of $137.2 million.

This target expenditure is $15.6 million higher than the 2017-18 estimated income. The committee was told that this reflects growth in basic expenditure and funding provided for several new measures, including improved aerial fighting capabilities for the Country Fire Service and the cost of new enterprise bargaining agreements. This excludes the cost of election commitments that further increase emergency service expenditure. These costs will be funded outside the rate-setting process to remove any impact on emergency services levy bills.

The committee notes that remissions for general property will be introduced in 2018-19, reducing the effective ESL bills paid by property owners. These remissions will reduce 2018-19 ESL bills by some $90 million, consistent with the Marshall government's election commitment. The committee notes that the government will pay $130.3 million into the Community Emergency Services Fund in 2018-19, reflecting amounts equivalent to fixed property levy revenues forgone through remissions and pensioner concessions in addition to contributions on its own property. The

committee also notes cash balances in the Community Emergency Services Fund are expected to be $21.9 million by 30 June 2018.

The committee has fulfilled its obligations under the Emergency Services Funding Act 1998. I take this opportunity to thank the current members of the Economic and Finance Committee, the departmental representatives from Treasury and Finance, the chief executive of SAFECOM, and chief officers of the MFS, CFS and SES, who assisted the committee in reporting on the Treasurer's determinations for the 2018-19 emergency services levy. Therefore, pursuant to section 6 of the Parliamentary Committees Act 1991, the Economic and Finance Committee recommends to parliament that it note this report.

Mr MULLIGHAN (Lee) (11:06): Thank you to the member for Waite, who was swift in his remarks.

Mr Duluk: Efficient.

Mr MULLIGHAN: Efficient, of course. I rise to speak on the Economic and Finance Committee's report into the 2018-19 emergency services levy. Of course, this has been an important issue this time around for the Economic and Finance Committee. When the emergency services levy was introduced in 1998 in the first week of the new parliament after the 1997 election, despite nothing being said about it in the course of that election, immediately an inquiry was started by the then Liberal government to investigate how this new tax could be introduced. In the ensuing outcry over the next 18 months, the Economic and Finance Committee was tasked with keeping a close eye on how this tax was going to be implemented and monitoring it on an ongoing basis.

We have spent some time looking at this tax and, in particular, at whether the new Liberal government was indeed going to keep the promises that it had made to the people of South Australia about the emergency services levy in the lead-up to the most recent state election. They made two election commitments about the emergency services levy. They said that the levy would return to its previous levels, and they said that there would be a 50 per cent reduction in emergency services levy bills. They claimed that this would deliver a $150 saving to the median house value household in South Australia and that this measure would cost $90 million.

Of course, we all knew that they would not be able to do those four things consistent with one another. The $90 million was the estimate of the additional revenue that was raised under the ESL changes in 2014 when we were looking at ways of trying to compensate for the devastating cuts to health and education budgets from the federal Coalition government. We were also deeply suspicious about a $150 saving and whether it could be delivered to households within those parameters. What eventuated? The opposition was proved right.

As has been the way of this new government, they rush out and announce to the media, with scant details, some wonderful new initiative, and when the detail comes out subsequently, of course, it is nowhere near as good as was promised. Even in the Treasurer's own press release, when he identified the median value household in metropolitan Adelaide—not South Australia but metropolitan Adelaide—what was the saving? It was $144. He could not even reach, through sheer stinginess, that extra $5.85 in getting up to the $150 commitment he made to the people of South Australia.

It just goes to show what a dour hand is at the tiller of this government at the moment—that of the Hon. Mr Lucas in the other place. We also know that a 50 per cent reduction in bills has not been provided either because the amount of revenue being raised from households has continued to increase. This includes the 2018-19 year, so it is well beyond what a $90 million relief would provide. That has also been borne out when we look at the impact of these changes to the emergency levy rates on households.

The people who receive the least amount of relief are those people who purport to be the traditional constituents of the conservative party here in South Australia, those people who live in rural areas and in regional centres around South Australia. They are the ones who do not get anything like, on average, the $150 or $144 saving on their properties. Why is that? It is because the way that these changes have been implemented provides the bulk of the relief to high-value households in metropolitan South Australia.

If you happen to live in a major town around South Australia, if you happen to live in Mount Gambier or Millicent, if you happen to live in Port Augusta or Whyalla, if you happen to live in Port Pirie or Port Lincoln, or if you happen to live in any of the other towns around regional South Australia where the median house value is $200,000 less than it is in metropolitan Adelaide, then you will be getting less relief from these changes put forward by the Liberal government. It is extraordinary that in their first tax-cutting measure, so proudly spruiked by this government, they would turn their back on their traditional constituency and leave their own electors out in the cold.

However, it gets worse. It is not just those regional communities who are copping it in the neck despite what was promised to them at the election; the people in other types of properties who were promised relief are also not getting it. It was extraordinary for it to come to light under questioning of Department of Treasury and Finance officers that people in special community-use properties would receive, on average, only a $20 reduction. That is not even one-seventh of what was being provided to people in the metropolitan area and not even one-half of what was being provided to those regional and rural communities.

What sort of properties are special community-use properties? Are these the people who can do without the greatest amount of assistance when it comes to bill relief from this government? Let's have a look at the list on the schedule: orphans' accommodation, retired and aged accommodation, social welfare accommodation, charitable organisations, public halls, Scouts, Girl Guides, places of assembly, cemeteries, and YMCA and YWCA facilities. These are the people who have also been left out in the cold by these cuts.

In fact, the people who have received the most relief and are going to benefit the most, according to the information that was eventually provided to the committee by the Department of Treasury and Finance—well after the report had to be signed off by law by the Economic and Finance Committee—come from the postcode 5061. Who would have thought that the member for Unley is the most influential member of the government caucus? His constituents in Unley, Unley Park, Hyde Park or Malvern are the ones who will receive 2½ times the average benefit of people in metropolitan Adelaide. Those people will receive nearly ten times more relief than all those households in regional and rural communities.

Mr Duluk interjecting:

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

Mr MULLIGHAN: It is extraordinary where this government's priorities are. If I were a member of parliament who had been freshly elected from the communities of Yorke Peninsula or perhaps from the South-East, I would not believe that I had been left out in the cold by my own caucus colleagues funnelling all this relief into the postcode of 5061. Well, I guess it is not what you know in this game, is it? It is who you know, and haven't they delivered to their traditional base?

Another thing I would like to say is that households were promised $90 million of relief against their bills, and that has not been delivered either. We found out that households will receive $71.8 million of relief on their bills. Where is that extra $20 million going? It is going towards increasing the emergency services budget, which has been dialled in by this new Treasurer and this new government.

Of course, no-one objects to more spending on emergency services. I was standing in this place only yesterday talking about how good the Grange Surf Life Saving Club is and how good the Semaphore Surf Life Saving Club is, let alone all the other emergency services: the SES, the CFS, the MFS and so on. They do a wonderful job. No-one is complaining about an increase in their budget, but when we are told that people will get $90 million of relief we expect the government to deliver on their commitments, and they have not delivered on their commitments.

Once again, they rush out with a press release. They try to gain as much favourable coverage as possible and then wait until the grotty detail comes out later. That is when South Australians know they are copping it in the neck. That is what happened when the member for Schubert came back with his dud infrastructure deal, and that is what looks like happening when the Premier and the state Treasurer come back with what is looking like a dud GST deal. We expect better from this

government. We expect them to deliver on behalf of South Australians, not be supplicants to their political masters in Canberra.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the member for Colton, I welcome today residents from the Torrens electorate, who are visiting our parliament as guests of the member for Torrens. Welcome, and I hope you enjoy your time in parliament.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE: EMERGENCY SERVICES LEVY 2018-19

Debate resumed.

Mr COWDREY (Colton) (11:16): It may have been naive of me to think that we were going to have a conversation this morning about the great relief that South Australians are now going to receive as a reduction in emergency services levy bills over the coming financial year. Apparently, that was missed by the member for Lee. Looking back historically at the last couple of years of the emergency services levy, in 2015, straight after the election, out of nowhere there was a massive increase to the emergency services levy.

Mr Malinauskas: As a result of $80 billion worth of cuts.

Mr COWDREY: The then Labor government added $90 million—

Mr Malinauskas: Were you paying attention in 2014?

The SPEAKER: The Leader of the Opposition knows that it is out of order to interject.

Mr COWDREY: —to South Australian households that had not been there previously. We talk about a reduction of $90 million. I do not understand how this cannot be a good thing for South Australians. I do not understand how this cannot be a good thing for those in the electorate of Colton. Just last year, the Labor government announced a reduction in the emergency services levy of $3 for the average South Australian—$3—yet the member for Lee is happy to stand and criticise a substantial reduction for the people of South Australia. Not even that, but that $3 reduction was paid for through a reduction in the cash reserves of the levy itself to the point now where those reserves are at their lowest point in a number of years.

Members interjecting:

The SPEAKER: Order, members on my left!

Mr COWDREY: The other convenient fact that the member for Lee managed to miss in his rant earlier is that the relief in the emergency services levy is connected to the value of a property, hence properties valued more highly were, of course, paying higher emergency service levy bills in the first place. When you give a reduction that is proportionate to the value of land, that reduction is not going to be linear across the state but be connected with house value. That is an easy and obviously substantial way of making sure that we understand how this tax has been reduced across the state.

The member for Waite has gone into the details regarding those who came and gave evidence before the committee. He has discussed the resultant application and this great outcome for the people of South Australia. It is a substantial thing and it has a substantial impact for those who live in Colton, many of whom have invested in property.

House values have risen in the western suburbs over time, and the increases that occurred in 2015 were substantial. It pushed many people over the edge. That, in addition to the other taxation increases that have occurred across the state over a number of years, has added to the cost of living, the cost of doing business, and the inability for people to be able to invest in and grow not just their business but also their families and things that they believe are going to help them.

The importance of our emergency services should not be lost on us. These services are vitally important to our state. As the member for Lee discussed, and something on which I agree with

him, is the great role that our emergency services play, including the surf lifesavers, whether they be from the Grange Surf Life Saving Club, the West Beach Surf Life Saving Club, the Henley Surf Life Saving Club or any other surf lifesaving club down the coast. We in this place are always happy to support the fantastic activities and volunteerism that comes with our surf lifesavers.

Last week, I had the opportunity to visit the Sea Rescue Squadron at West Beach with the Minister for Emergency Services. We met with Commodore Al Cormack to—

Mr Malinauskas: He's a good man.

Mr COWDREY: He is a very good man, as the Leader of the Opposition notes. He has done a fantastic job, and there is a fantastic service offered to not just the people in the coastal areas of South Australia but anyone interested in getting out onto our waters. The protection that is given by that service across the coastal areas of South Australia is vital, and they are often thanked in great capacity by many in our community.

The levy supports a full range of emergency services across our state, whether that be the Metropolitan Fire Service, the Country Fire Service, the State Emergency Service, SA Police, the State Rescue Helicopter Service or the shark beach patrol. These services are vital to the whole of our state in many ways. As I have said, everybody in this place certainly respects, understands and appreciates the role they play in protecting us and keeping us safe in the very worst of circumstances.

We are unable to see a reduction in a tax that has increased significantly over the past four years and has affected many areas as a good thing. I am only new to this place, and the naivety may still be there to an extent, but why would we not see a reduction in costs as a good thing for South Australians? The mantra which the Liberal Party brought to the most recent election around more jobs, better services and lower costs was centred around reducing the cost of living for many South Australians. If you look at payroll tax, if you look at the emergency services levy, and if you look at a range of other policies that the Liberal Party brought to the election, you will see they were focused on exactly those things: reducing costs for South Australians.

South Australians have been doing it tough in an environment that seemed to see nothing but increases in costs for so many years. To see a new approach—an approach that provides opportunities for businesses to invest and to create jobs in South Australia, and for people who have been doing it tough for so many years to start to see some relief and for once see things going down and not up—is something that I think is welcomed by all South Australians. It is something that I certainly welcome in this place, and I value the opportunity to have been a part of this committee in passing this important reform.

Ms BETTISON (Ramsay) (11:24): I rise today to talk about the 2018-19 Economic and Finance Committee report on the emergency services levy. I would like to start my speech today by acknowledging the hard work and dedication that our emergency services provide to our communities. We heard, when we interviewed them, about how the emergency services responded to more than 45,000 incidents, which were called in to 000 or 132 500.

We know that the funds collected by the emergency services levy contribute to their work. They support the Metropolitan Fire Service, the Country Fire Service, the State Emergency Service, Volunteer Marine Rescue SA and the South Australian Fire and Emergency Services Commission, as well as the rescue components of Surf Life Saving SA, the South Australia Police Rescue Squad and the State Rescue Helicopter Service.

This is important work that needs to be supported and appropriately funded. There are always going to be ongoing challenges in ensuring that our personnel have access to modern equipment and vehicles. There are additional challenges with our state's changing demographics and requirements. Their total expenditure is expected to be $318.4 million this year.

I take this opportunity to recognise our emergency services during my time as minister for communities. When I reflect on the necessity for us to provide relief and recovery, I am reminded of four particular incidents. The first is the Sampson Flat bushfire in January 2015. People may recall that we could see it here from the city. It got not only national but also international attention. In fact, we were very well supported by the State Emergency Relief Fund, with many donations from individuals and the corporate sector. We had to have many meetings around how we provided that

support, and that continued for more than a year as we did our recovery. We set up an office, and the Hon. Karlene Maywald headed up that work. It showed the vulnerability that existed post the emergency.

I want to thank those people in the emergency services, and I want to recognise the fact that a lot of work happened after that time. Later in that year, in November 2015, the Pinery fire happened. It is very sad for us to remember that we lost two South Australians on that day and that several others were seriously injured. There were many who experienced quite significant burns. That was a very quick fire. The former minister for the emergency services will remember that day. It was very quick but very damaging, and we lost around $70 million of crop value that year.

In 2016, we had significant rains and experienced quite significant flooding in the Virginia area. Once again, we were impacted quite severely, especially the growers out there. I recognise the former minister for primary industries for his quick support of how we could work together. We got some machines in there to get rid of the water very quickly and to do waste management as well. In those initial days and weeks, it was our emergency services that went out there and helped.

I cannot go on without mentioning the impact of quite a severe storm in the Riverland area. It impacted over Mildura and Victoria and then came across the border. If I remember rightly, almonds, grapes and citrus that were most significantly impacted. We were able to put a relief and recovery situation in there. Of course, we saw our emergency services there in the first few days and weeks, but we committed recovery organisations to support those industry workers.

I hope those on the other side, during their term in government, never have to commit to relief and recovery, because it is a time of great sadness in South Australia and incredible change for people, impacting not just on their livelihood but often on their lives. It is very important that we support our emergency services personnel and continue to fund them appropriately, but there was a group of people who completely missed out. The government went to the election and said, 'We will cut ESL bills by $90 million a year,' but there are 137,000 concession holders who saw none of that.

Mr Brown: Nothing.

Ms BETTISON: Nothing, not even an indexation of the concession. It was a flat fee of $46. The rate stayed the same. Where was this information when it was taken to the election? These concession holders have been abandoned.

Members interjecting:

The SPEAKER: Order!

Ms BETTISON: All bills will be lower except for concession holders and, once again, there is no indexation. We as a government looked at some of those challenges to the cost of living and increased the indexation on the utilities and energy area. I call upon this government to index that concession but to be honest and up-front that this cut in the ESL did not benefit all South Australians. We have heard that there will be a varying reflection on this cut depending on how much your home is worth, and the reality is that concession holders have been abandoned and they will not see anything more for this concession.

While we know how important this is, and we know how important it is for us to maintain capital infrastructure, which is very expensive, we know that we want to continue to support our emergency services. As I end my comments, I request that the government be up-front and honest that 137,000 concession holders did not receive a cut. I ask them to consider increasing this flat concession and indexing it to support those people in South Australia who are the most vulnerable and who are struggling with the cost of living.

Mr ELLIS (Narungga) (11:31): I rise today to speak in support of the Emergency Services Levy 2018-19 report prepared by the Economic and Finance Committee. I had the great pleasure of being part of the formulation of that report. It was a good opportunity to question representatives from the associated agencies and stakeholders, and it was an absolute pleasure to be involved.

Despite repeated efforts from the opposition, there was absolutely no doubt for those present in the room that the relief felt by ESL bill payers will be $90 million in total, statewide, over the four years. That much is abundantly clear when reading the *Hansard* and it is a shame that the member

for Lee could not bring himself to acknowledge that fact in his presentation. It is absolutely breathtaking to hear the member for Lee and the member for Ramsay lecture us about not lowering bills enough after they ramped up the bills sneakily after the last election with no forewarning at all to the people of South Australia.

It is not surprising that it is just another example of a party addicted to higher taxes. It is breathtaking and galling to hear them criticise us for the relief we have provided to South Australian households: $90 million statewide that South Australians will not have to pay. It will remain in their pocket to spend as they wish, on what they wish and when they wish. It can only be a good thing, and I am proud to have been a member of the party that provided that relief to South Australians.

It is just another example of us delivering on a promise. It is a commitment that we made to the South Australian people prior to the election—a promise to deliver $90 million of relief to those people—and just another example, which is happening with startling frequency, of a welcome change for those people who have been struggling to make ends meet after 16 years of hard Labor. This will be well appreciated within the regions, where I saw bills that had risen dramatically without warning after the last election and people absolutely mystified as to why they were facing bills that were $1,100 more expensive than they had faced previously.

Mr Malinauskas interjecting:

The SPEAKER: The Leader of the Opposition is called to order.

Mr ELLIS: These are the people who contribute most to our emergency services—

Members interjecting:

The SPEAKER: Order!

Mr ELLIS: —by volunteering and contributing their own time and money and their own equipment to their local brigades, and they were the ones who were hit with these huge bill rises that they now have been provided relief from in the form of our ESL bill reduction. Importantly, despite this reduction in the bills, there will be no reduction in local services and no reduction in front-line services which will occur because of the result of these reductions. It is a true win-win for the general population—more money in their pocket and more great emergency services.

Keeping communities safe is the primary responsibility of any government, and I rise today in support of the vital collaborative efforts that are needed from so many across the state to ensure that this responsibility is met. It is predominantly provided by volunteer community members, and in my electorate of Narungga brigades of volunteers from across all communities and districts assist with the provision of emergency services to fight fires, rescue people on land and sea, attend vehicle accidents, remain on-call day and night as ambulance drivers and paramedics, suit up to protect against chemical spills, work on roofs in storms to carry out the tarpaulining of houses and businesses or work out in the rain and wind to chainsaw trees and remove debris from roads to ensure safe passage.

These services could not be provided without the willingness of volunteers to provide them, and we thank them for their contribution to our communities. We all remember the catastrophic Pinery fire in November 2015, which was alluded to by the member for Ramsay previously, which was near Mallala and Balaklava and stretched everyone to the limit. It caused the unfortunate deaths of two people and burnt out 85,000 hectares from which the area is still recovering.

Minister Speirs (Minister for Environment and Water) and I were out there only two weeks ago to meet with local farmers in that area to see the environmental impact on roadside trees which were impacted by the fire and, whilst they appear to have regrown, they still offer hidden dangers as they are weakened within and are still posing a hazard to road users. So all these behind-the-scenes issues which are seldom highlighted but which must all be addressed in order to keep our communities safe.

In April, only a few weeks ago, another serious bushfire in the Narungga electorate occurred in Stansbury which also saw everyone swinging into action again, with farmer water units and dozens of volunteer CFS from local brigades who managed to get ahead of the blaze which was only three kilometres north of the town and running uncontrolled towards the St Vincent Highway. There is no

way such bushfires could be controlled quickly without the locals putting their lives at risk and pitching in. Again, we say thank you to them.

It is the least governments can do to provide all the support they need to provide us with our safety. I report that there is currently an alarming and specific challenge being faced by volunteers across the electorate with filling ambulance rosters. There are simply not enough people willing to donate their time to be on-call all night to fill these positions, and those who are doing their bit are stretched, meaning that some are reluctantly leaving the rosters because the service is proving too much for them.

They want to help but they need to have their own life, too, and the hours they are required to put into this service can take quite a toll. These dangerous shortages are across the state and leaving our rosters unfilled, meaning blowing out response times for people in dire need of emergency health care in country areas that are already challenged by distances between services and the time it takes to get from A to B.

I am currently assisting Point Turton sea rescue in their pursuit for a new sea rescue boat, and I look forward to making an application for ESL-related funding for that. They have faced the ridiculous situation of having a sea rescue vessel that is not permitted to go more than two nautical miles offshore to perform a rescue. I am sure everyone in this place will be well aware that most boats become stranded farther out than two nautical miles and it just about renders their asset useless. They are in the hunt for a new boat, so I am looking forward to assist them in trying to secure that funding. It significantly hamstrings the assistance they can provide to stranded fishermen and is placing unnecessary stress on neighbouring crews.

I met with the Wallaroo SES and sea rescue volunteers, who also need a new facility. This area is experiencing significant population growth, in the area of 26 per cent since 2011, and has tens of thousands of tourists to cater for every holiday period. Whilst this growth is welcome, it places stress on existing emergency and health services. It is the responsibility of this government to alleviate such stress. The SES and CFS respond to many diverse incidents, be they fire or flood, natural calamities or man-made, pipe bursts, traffic incidents, road blocks, sandbagging, chemical hazards, and they commit hours of training and hours in attending incidents to assist their fellow community members, and their efforts are recognised.

We have an interesting situation on the Copper Coast, where I reside, where there is both the MFS and CFS, and demarcation of responsibility can be quite interesting when it comes to attending incidents, and we do appreciate that there are many people ready to offer their assistance when there is a fire within the town of Kadina. I am in touch with the CFS and the MFS. When the time comes when there is a new MFS station built, I will be making representations that investigations should be looked into, in terms of consolidating the three MFS stations—Wallaroo, Moonta and Kadina—into one big station, provided that does not negatively impact response times for the people of the towns that will miss out on having a station. With the wonderful CFS team we have in Kadina, it would make a lot of sense to consolidate those three MFS stations into one big station elsewhere.

I thank the house for its time and applaud the Marshall Liberal government for delivering a $90 million saving to the people of South Australia. I look forward to working towards more cost-saving measures into the future.

Mr PATTERSON (Morphett) (11:40): This report into the emergency services levy for the 2018-19 year is the first report provided by the Economic and Finance Committee to this session of parliament. As the Presiding Member stated, one of the functions of the Economic and Finance Committee under the Parliamentary Committees Act is:

> …to perform such functions as are imposed on the Committee under this or any other Act by resolution of both Houses.

Specifically in regard to the emergency services levy, section 10(5) of the Emergency Services Funding Act requires that the minister must refer to the Economic and Finance Committee a written statement setting out determinations that the minister proposes to make in respect of the emergency services levy for that relevant financial year. Section 10(4) of the act also requires these determinations to be made in respect of the amount that needs to be raised by means of the levy on property to fund these emergency services, the amounts to be expended in the forthcoming year on

various kinds of emergency services, and also the extent to which various parts of the state will benefit from the application of those amounts.

Pursuant to this act, the Economic and Finance Committee must inquire into, consider and report on the minister's statement within 21 days after it has been referred to the committee, which is what the committee has done, and we ask this house to note the committee's report. On 31 May 2018, the committee received that said copy of the written statement containing determinations from the Treasurer, which form the basis for a recommendation to the Governor in respect of declaring the emergency services levy for 2018-19.

Upon receiving the Treasurer's report, the committee held a public hearing on 8 June with representatives from the Department of Treasury and Finance, including Julie Holmes (Acting Commissioner of State Taxation for RevenueSA) and Greg Raymond (Director of Revenue and Intergovernmental Relations, Budget and Performance). There were also attendees from the emergency services sector, including representatives from SAFECOM, SA State Emergency Service, Country Fire Service and SA Metropolitan Fire Service. The witnesses included Malcolm Jackman from SAFECOM, Chris Beattie from the SES, Greg Nettleton from the CFS, Michael Morgan from the MFS and Karen Prideaux from the Community Emergency Services Fund.

Many others in this house who have spoken previously said that the South Australian emergency services sector provides an essential role in the safety of all South Australians. The emergency services sector comprises the three above-mentioned services and also SAFECOM. Mr Jackman from SAFECOM explained that, in the last year, the first responders from the CFS, MFS and SES were dispatched to around 45,000 incidents resulting from calls to either 000 or 132 500.

Mr Jackman explained that the relationship between SAFECOM and the three operational services—the CFS, MFS and SES—provide their own front-line support, with SAFECOM providing all the functional support across finance, people, ICT and public information and warnings. This back office supports around 60 staff and assists nearly 16,500 volunteers and paid staff at over 525 locations.

It is fair to say that the South Austrian public are very appreciative of all the work that the emergency services do for this state, and they also have high levels of trust and respect for those emergency services first responders and what they do for them. I acknowledge that as well in this house. The report itself outlines that the total expenditure on emergency services is projected to be $318.4 million in 2018-19. This compares with a total expenditure in the 2017-18 year that is now budgeted to reach $302.9 million.

Mr Jackman also explained to the committee that the emergency services sector will account for approximately 86 per cent of the emergency services levy expenditure, while another 9 per cent will go to other government agencies, predominantly SAPOL and the Department for Environment and Water. Another 2 per cent will go to NGOs such as Surf Life Saving South Australia and the volunteer marine rescue organisations, which are all very worthy organisations. I spoke about the importance of surf lifesaving yesterday in this house. The balance of the expenditure goes to collection costs.

Mr Jackman also outlined that the environment in which they operate is confronted with changing demographics and population growth, such as the Mount Barker township, the population of which, as the member for Kavel will know, is forecast to increase and double in the next 20 years. There are also emerging economic drivers. The consequence is that there is a changing risk profile that demands a shift or an increase in resources. So we have seen that the expenditure has gone up this year whereby, in addition to the standard growth in this base expenditure, additional funding has been provided for several new measures, including improved aerial firefighting capabilities for the CFS to the tune of $2.3 million and the cost of a new enterprise bargaining agreement of $6.3 million.

The expenditure target of $318.4 million for the 2018-19 year will be predominately funded by the emergency services levy at $315 million, other minor revenues to the Community Emergency Services Fund of $1.9 million and a rundown in cash in the said fund as well for the cost of expenditure carried over from previous years of $1.4 million. The levy proposal consists of a charge to owners of both fixed property, of $267.5 million, and mobile property, of $47.6 million. The amount

required to be raised from the ESL rate settings in 2018-19 will increase by $21.8 million compared with the 2017-18 year, which is higher than the increase in expenditure due to the significant use of cash balances from the Community Emergency Services Fund—$7.7 million, in fact, to fund a proportion of expenditure in 2017-18.

Would it be a coincidence that this also occurred in an election year? Also, in regard to this, Mr Raymond from the Department of Treasury and Finance explained that the decision was made last year to use a proportion of the cash balances to fund the actual emergency services expenditure at this time and confirmed that running down these cash balances is unsustainable over the long term.

Importantly, remissions for general property will be introduced in 2018-19, which will reduce the emergency services levy paid by property owners. These remissions will reduce the emergency services levy by $90 million, which is consistent with our election commitments, despite what the member for Lee was trying to say. We know that in 2014, soon after the last election the previous Labor government imposed a massive increase on family homes, businesses, farms, churches, community organisations and independent schools.

Labor did not tell voters before the election that it would be withdrawing a general remission on the levy. In fact, the impact on the emergency services levy is being felt through the entire economy and also the community. As a result, for the past four years Labor has been taking an extra $90 million out of the pockets of South Australian taxpayers. The Marshall Liberal government went to the election with a commitment to cut the emergency services levy by $90 million a year, while also maintaining the same level of service provided by these valued emergency services. That is exactly what we have delivered, despite protestations from the other side of the house.

This $90 million cut came into effect from the 1 July. It is acting already and maintains the current level of emergency services provided to South Australians. Under questioning, Mr Raymond confirmed that this $90 million in remissions for people who were not previously getting remissions is to a total value of $90 million. It is in addition to remissions that a pensioner, concession card holder or eligible recipient will receive.

Overall, the report outlined that the government will pay $130 million into the CESF in 2018-19 to reflect amounts equivalent to fixed property levy revenues forgone through remissions, as well as pensioner concessions, in addition to these contributions. Mr Raymond gave the committee the example that the bill of a median-price property of $470,000 in metropolitan Adelaide would go down by $164, and that is more than the $150 of our election commitment. This $164 is if there were no remissions for this year and results in a saving of 56 per cent compared with what that bill would have been without these remissions.

There was talk on the other side about trying to take into account median house prices from the previous year, but this is an actual cash saving, so there is nothing duplicitous about what we are committing to. Also, the argument from across the house did not take into account that $7.7 million of the increase in expenditure is due to money being taken out of the Community Emergency Services Fund (CESF).

All up, this $90 million in remission is fantastic news for all South Australians who are struggling to keep up with the rising cost of living. Implemented in our first 100 days, it clearly demonstrates that the Marshall Liberal government is delivering lower costs for all South Australians. The Economic and Finance Committee recommends that the parliament note this report.

Ms LUETHEN (King) (11:51): I am very happy to rise and support this motion from the member for Waite that the first report of the Economic and Finance Committee, entitled Emergency Services Levy 2018-19, be noted. This reduction in ESL bills, and the flow-on savings to South Australians, is precisely what the majority of King electors told me they needed to help reduce their cost of living.

This real change we have introduced means that the average ESL bill will more than halve for many households and will undoubtedly save many homeowners money they can spend on their choice of where to send their children to school, on other bills, such as the weekly food bill, and on many other important decisions they need to make. I still recall doorknocking an emergency services volunteer at One Tree Hill and having the conversation with them about how much time they

volunteer themselves to keep our community safe, yet their family is struggling with the cost of living and with the ESL bill that hurts them since the Labor Party hiked this tax.

The introduction of this change is one of the Marshall Liberal government's key election commitments. Our focus and commitment have been steadfastly on reducing the cost of living. This will continue to be our focus, and we will continue delivering on it. Our government is taking action on every single one of the promises it made before the election, and we are sitting late virtually every night that we are here to get through the bold program that this government has in place for South Australians. We are loving it and we are fixing up the mess that we inherited. We are not complaining about it; we are getting on with it every day, moving South Australia in the right direction.

The emergency services levy funds the provision of emergency services in South Australia and applies to all fixed property and some mobile properties. The money collected by the emergency services levy is placed into a dedicated fund for the exclusive use of the emergency services, including the Metropolitan Fire Service, the Country Fire Service, the State Emergency Service, Volunteer Marine Rescue SA, the South Australian Fire and Emergency Services Commission and the rescue components of Surf Life Saving SA, South Australia Police Rescue and the State Rescue Helicopter Service.

In 2014, the Weatherill Labor government imposed a massive tax increase on our family homes, businesses, farms, churches, community organisations, independent schools and many other groups via this increase in the ESL. I want to take a moment to thank every emergency service worker and volunteer in our state for their hard work. Special thanks go out to the Tea Tree Gully SES, the One Tree Hill CFS, the Salisbury MFS and the CFS locally, which all play a vital role in our community.

Unfortunately, without any mandate because Labor did not tell voters before the 2014 election what it intended, the government withdrew a general remission on the levy. They were not honest, they were not up-front and they were not caring about the impact. The impact has cascaded through the entire economy and community, taking an extra $90 million a year out of the pockets of South Australian taxpayers, including hurting the households of the very people who volunteer for our emergency services. This placed an increasing pressure on household businesses and has been strangling our economy.

That is why our Marshall Liberal government has slashed the ESL. South Australians benefit from this saving to their household budget from 1 July 2018. We have delivered this tax cut while maintaining the current level of emergency services provided to South Australians. This $360 million election commitment means that there will be a significant saving for the average household, with a property valued at the median price of $470,000 to receive a $144.85 saving on its ESL bill in 2018-19. In fact, the savings for this household would have been even higher, at $164.65, when compared with what it would have paid under a re-elected Labor government.

While the former treasurer, Tom Koutsantonis, was last year spruiking a $3 saving on ESL bills, which would not even have got you a cup of coffee, this government is providing so many households with a significant saving on their ESL bill, which will provide genuine relief to the budgets of South Australian families. Total expenditure on emergency services is projected to be $318.4 million in 2018-19, up from an estimated $302.9 million in 2017-18. This excludes the cost of election commitments, which further increase emergency services expenditure. These costs will be funded outside of the rate-setting process to remove any impact on ESL bills.

We will continue to be focused and deliver real change that puts money back into the pockets of hardworking households and businesses to spend on what matters to them. I have front of mind the conversations with my King community members on cost of living. No-one in my local community is happy for pensioners to be too scared to safely turn on their heaters or their air conditioners if they need to. We have listened and we are delivering. We care about the people in our electorates. I thank the hardworking member for Waite for this motion, and I commend it to members.

Mr MURRAY (Davenport) (11:58): I rise to support the motion from the member for Waite that the first report of the Economic and Finance Committee, entitled Emergency Services Levy 2018-19, be noted. In rising to support this motion, I wish first of all to briefly reprise the history of the last four or so years because this report from the committee in question effectively ends a four-year

fight by those on this side of the house to provide relief to the ordinary men and women, the electors, of South Australia.

I want to take the house back to an equivalent debate on the receipt of the report, the same report and the same committee, albeit the one delivered in November 2014. I refer to page 2950 of *Hansard* and, in particular, note the then member for Goyder's contribution where he very helpfully enumerated the increases in terms of both dollars and percentage rates for 57 of the 68 councils.

Unlike the then member for Goyder, I do not propose to walk through each and every one of those; however, in light of today's speakers, and in particular those present, I thought that it would be germane to our discussion to reprise the amount of money ripped from those communities by that increase in 2014. I will start with my own electorate, which is served by the councils of Onkaparinga and Mitcham. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Bills

CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:00): Obtained leave and introduced a bill for an act to amend the Criminal Assets Confiscation Act 2005. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:01): I move:

That this bill be now read a second time.

The bill I introduce today is the Criminal Assets Confiscation (Miscellaneous) Amendment Bill 2018. This bill retains three amendments from the Statues Amendment (Drug Offenders) Bill 2017, which lapsed when the parliament was prorogued in November 2017. At that time, when I was shadow attorney-general, the bill was put to the parliament with an additional proposed amendment. The bill included an amendment such that, if a person was seen entering or leaving premises which the police reasonably suspected as being used for the manufacture, distribution or storage of illicit substances or chemicals, then the police had the power to search that person and/or their vehicle.

That was a recommendation in part from the former government's ice task force—a report that was thin in nature and hastily developed. The former government inserted this clause without precedent in any other Australian jurisdiction. At the time, there was nowhere else in Australia where the police have this power to search anybody or any vehicle going in and out of a suspected property. This bill has not included that same amendment in it; however, it mirrors the other aspects from the 2017 legislation and is simply a bill of a different name.

The bill amends the Criminal Assets Confiscation Act 2005, including some provisions inserted into the act by the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016, which commences in August this year. The amendments in this bill facilitate the operation of the prescribed drug offenders amendments when they come into operation in August this year, and also address issues raised by the Office of the Director of Public Prosecutions in relation to the operation of the Criminal Assets Confiscation Act as a whole.

Members, please note that a new section 59B will be inserted into the act to allow the court to make an order that property that has been subject to automatic forfeiture under the prescribed drug offender provisions be excluded from the operation of that automatic forfeiture because it is contrary to the financial interests of the Crown or it is otherwise not in the public interest for the property to be forfeited. It is easy to envisage a situation where there may be something of value, such as a motorcycle, which the Crown would ordinarily be happy to seize, but the offender has bought it using a loan and the bank still owns 90 per cent of the value of the motorcycle. It would simply not be economical for the Crown to seize that asset in that case.

The bill makes a minor amendment to section 209 of the act. That section currently allows for administration costs to be covered by money received from seized assets, and the amendment

removes some potentially narrowing terminology from that section to ensure that the term 'administration' is broad enough to cover the work undertaken by agencies in administering the legislation and dealing with the assets that are forfeited to the Crown.

Section 219 of the act will be amended to allow the court to make a consent order reflecting an agreement between the parties that a monetary sum be paid to the Crown in lieu of property being forfeited. It is vital that the Director of Public Prosecutions be able to negotiate agreements with offenders or their representatives, particularly in cases where the assets may not be solely owned by the offender but may have multiple interests involved, such as a business. Rather than having to deal with complex arrangements and paying off multiple third-party interests in a property, the DPP will be able to come to an agreement with an offender for an agreed amount to be paid.

Section 227 of the act will be amended to clarify that the court may not award punitive or exemplary damages against the Crown if an applicant is successful in an action against the Crown to have their property excluded from a forfeiture order. There is currently a risk that, because of the way the section is worded, the Crown could be liable for huge punitive cost orders because an offender's property has depreciated in value or been otherwise damaged whilst being held in storage whilst proceedings progress.

Often the aggrieved party bringing the application has not helped themselves by providing information in a timely manner which would allow proceedings to progress efficiently. In the government's view, a regular award of costs typical of civil proceedings is sufficient for successful applicants against the Crown. An amendment is also being made to the regulation-making power provision in the act to provide that regulations may be made that prescribe that the matter about which the regulations are being made is determined at the discretion of the minister or the DPP.

All the amendments to this bill will ensure that the DPP will be able to maximise the worth of property being forfeited to the Crown and ensure that their resources are used efficiently to target those assets which are of the most value. Finally, this bill, alongside others currently before the house, including the Statutes Amendment (Drug Offences) Bill and amendments to the corrections act, show this government's genuine commitment to fighting the scourge of drugs in our society.

We are limiting drug diversions, increasing maximum penalties, ensuring drugs do not enter our prisons and giving the community confidence that real action is being taken on this important issue. I commend the bill to the members, and I seek leave to insert the explanation of clauses into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Operation of the measure will commence on 10 August 2018, which is the day on which the *Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016* commences. However, if the measure is not assented to before that date, it will commence on assent.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Criminal Assets Confiscation Act 2005*

4—Amendment of section 56A—Prescribed drug offenders

This amendment is consequential on the insertion of section 59B by clause 5.

5—Insertion of section 59B

This clause inserts a new section.

59B—Exclusion orders based on financial interests of Crown etc

Proposed section 59B provides a mechanism for excluding property from forfeiture under the prescribed drug offender provisions of the Act. Property may be excluded by order of a court on application of the DPP if the court is satisfied that—

- it would be contrary to the financial interests of the Crown for the property to be forfeited to the Crown; or
- it is otherwise not in the public interest for the property to be forfeited to the Crown.

An order of the court under section 59B (an *exclusion order*) must direct that the property be excluded from the operation of the deemed forfeiture order that would otherwise apply to the property under Subdivision 1A.

6—Amendment of section 209—Credits to Victims of Crime Fund

Section 209 is amended by this clause so that there is no implied limitation on the meaning of 'costs of administering this Act'.

7—Amendment of section 219—Consent orders

Under section 219 as amended by this clause, a court will be authorised to make an order giving effect to an agreement between the DPP and another person if—

- the agreement provides for the person to make a payment to the Crown instead of property of the person being forfeited under the Act; or
- the agreement provides for the person to make a payment to the Crown instead of the DPP applying for a confiscation order against the person.

If an order of this kind is made, the property is taken to not be liable to forfeiture under the Act. If any forfeiture of the property occurred before the order, that forfeiture is, on the making of the order, taken to be of no effect, subject to an order of the court to the contrary.

8—Amendment of section 227—Costs and exemplary or punitive damages

This clause inserts a new subsection that provides that a court may not award exemplary or punitive damages to a person in relation to whom the Crown is ordered to pay costs under section 227.

9—Amendment of section 230—Regulations

A standard regulation-making provision is inserted so that regulations under the Act may—

- be of general application or limited application; and
- make different provision according to the matters or circumstances to which they are expressed to apply; and
- provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the DPP.

Debate adjourned on motion of Mr Brown.

SUMMARY OFFENCES (DISRESPECTFUL CONDUCT IN COURT) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:08): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:08): I move:

That this bill be now read a second time.

The Summary Offences (Disrespectful Conduct in Court) Amendment Bill 2018 implements the Marshall government's commitment to amend the Summary Offences Act 1953 to make it a summary offence for a person who is a party to proceedings before a court to intentionally engage in disrespectful conduct before the court. The bill generally adopts the provisions of the Summary Offences (Disrespectful Conduct in Court) Amendment Bill 2016 with some amendment. The 2016 amendment bill was a private member's bill that I introduced into this house. It was read a second time but was ultimately defeated.

The bill currently being presented also incorporates provisions of the New South Wales offence of disrespectful behaviour as established in the Courts Legislation Amendment (Disrespectful Behaviour) Act 2016, on which the former private member's bill was originally based. The issue was first identified in a New South Wales case involving an accused who was charged with shooting a man outside a nightclub in 2013. The accused refused to stand for four judges over an 18-month period. When the accused was charged with contempt, it was held that the failure to stand for a judge was not contempt of court. Legislation was therefore developed in New South Wales to address such disrespectful behaviour.

The bill acknowledges the importance of maintaining the administration of justice and preserving the authority and dignity of the courts. The bill seeks to uphold expectations of the community that parties to court proceedings will conduct themselves in a respectful manner before the court and recognises the rights of all parties to be heard free from unnecessary disruptions and abuse from other parties. Perhaps I should extend it to parliament.

Unfortunately, there have been instances where defendants, families and witnesses even, have created a situation where abusive behaviour has occurred towards judicial officers and the like. As the Law Society of South Australia stated in its submission on the bill:

> The rule of law and respect for our institutions and their practices are fundamental tenants of our democratic society. Respect for and compliance with the practice and convention of the court is integral to the smooth flow of proceedings.

The bill achieves its objectives by creating a new summary offence of disrespectful conduct. The introduction of the new offence will create an additional tool to enforce stricter standards of respectful conduct, which will supplement the existing powers of the court. The offence seeks to capture disrespectful conduct that currently falls in between the existing powers of the court to remove a person from the courtroom and its inherent judicial power to deal with contempt of the court. It is intended that the offence will operate alongside the judiciary's existing power to manage the conduct of parties.

For the purpose of the offence, 'disrespectful conduct' is defined broadly in the bill to include refusing to stand up for a judicial officer after being requested to do so by the court, using offensive or threatening language, or any other conduct which may interfere with or undermine the authority, dignity or performance of the court. The bill does not apply to youths or proceedings conducted in the criminal jurisdiction of the Youth Court. This measure reflects the generally accepted principle that youths should not be subject to a term of imprisonment. It is appropriate that the Youth Court continue to exercise its discretion according to its existing powers to manage the behaviour of youths in proceedings.

The bill makes it an essential requirement of the offence that there be an intentional physical act, rather than an involuntary act, but does not require a person to intend to be disrespectful to the court. For example, deliberately failing to stand when requested may be disrespectful, even if the person did not intend to cause disrespect by remaining seated. By contrast, a person who has a physical impairment, which prevents them from being able to stand before the court, would not be captured by the offence.

The bill prescribes a maximum penalty of a $1,250 fine or three months' imprisonment. These penalties are consistent with the penalties currently prescribed for disorderly or offensive conduct or language, and are less than those prescribed for the offence of contempt in the face of court in the lower courts. For the purposes of proceedings for the offence, the bill ensures that the presiding judicial officer of the proceedings in which the disrespectful conduct occurred cannot be compelled to give evidence in proceedings before any court for the offence.

In addition, the bill also allows for official transcript or official audio or video recording of the proceedings in which the alleged disrespectful conduct occurred to be admissible in evidence in the summary proceedings and for such evidence to be taken as evidence of the matter so included. As a corresponding measure intended to support the existing powers of the court to deal with instances of contempt, the bill also makes clear that a person cannot be prosecuted for an offence for disrespectful conduct if that conduct is or already has been the subject of contempt of court proceedings against that person. This bill will send a clear message that adherence to the laws and

procedures of the judicial system is a fundamental expectation of all who have appeared before the courts. I commend the bill to the house. I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Summary Offences Act 1953*

4—Insertion of Part 11A

This clause inserts a new Part 11A containing a single new clause (proposed section 60) creating an offence relating to disrespectful conduct before a court. Proposed section 60(1) requires that a person who is a party to proceedings before a court must not intentionally engage in disrespectful conduct before the court during those proceedings. The maximum penalty for the offence will be $1,250 or imprisonment for 3 months.

Disrespectful conduct is defined to include refusing to stand up after being requested to do so by the court, using offensive or threatening language and interfering with or undermining the authority, dignity or performance of the court.

The new offence will not apply in respect of proceedings in the Youth Court of South Australia (other than proceedings under the *Children's Protection Act 1993* or the *Children and Young People (Safety) Act 2017*) or a child who is a party to proceedings under the *Children's Protection Act 1993* or the *Children and Young People (Safety) Act 2017*.

Proposed section 60 will not affect the power of a court to take action for contempt of court and, in the event that a court takes action for contempt of court for a person's conduct in court, the person cannot be prosecuted for an offence against the new offence (except where the contempt of court proceedings have been discontinued by the court in contemplation of a charge for an offence against the new section).

The presiding officer of proceedings in a court during which alleged disrespectful behaviour occurred cannot be required to give evidence in proceedings before any court for an offence against the proposed section 60.

Debate adjourned on motion of Mr Boyer.

JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 June 2018.)

Mr TEAGUE (Heysen) (12:16): I rise to support the bill. The Judicial Conduct Commissioner (Miscellaneous) Amendment Bill 2018 introduces a number of incremental yet important amendments to the Judicial Conduct Commissioner Act 2015. In the broad, it does three things. It serves three new purposes. I note that they are all matters that are within the scope of requests that have been made by the Judicial Conduct Commissioner, the Hon. Bruce Lander QC, to clarify certain of the commissioner's powers and other matters.

In line with similar reforms that have taken place in the early days of the new government, these amendments are part of evolving circumstances in which there is engagement with the commissioner and requests being made by a hardworking and diligent, and certainly proactive, commissioner. So it is against that background that the commissioner has raised these matters and in those circumstances that the amendments are being brought to the house.

What does the bill do in the broad? The bill introduces the possibility for further investigation of a complaint if there is information that warrants such further investigation, rather than a matter simply being dismissed. In that regard it also allows the commissioner now summarily to dismiss complaints without the need for a preliminary investigation. As section 13 of the act presently

provides, the structure of investigation proceeds firstly on the basis of the matters addressed in section 13(1).

That is, in relation to a complaint, the commissioner, as the act stands, is required to conduct a preliminary examination of each complaint that is received in order to determine whether the complaint is one that should be referred to the OPI (Office for Public Integrity) in accordance with section 15; or, if there are grounds for exercising the commissioner's power under section 16, to take no further action in respect of the complaint; or, indeed, if there are grounds for dismissing the complaint under section 17.

I will address the specific, newly introduced subsections to expand upon and amplify section 13 in a moment, but that is as the act currently provides. The effect of the amendments in this regard would introduce the possibility for the commissioner to form that view and to dismiss summarily without a preliminary examination in those circumstances. Broadly, that is the first purpose of the amendments.

Secondly, the bill would provide for the identity or identities of complainants to no longer be required to be disclosed to the relevant judicial officer, the subject of a complaint, that is, without the consent or request of the complainant, or in circumstances where the commissioner formed a view that the disclosure was necessary.

The bill introduces the important possibility, in practice, of practitioners not facing, as a matter of course, a situation in which they might otherwise be dissuaded from bringing a complaint to the attention of the commissioner for fear of suffering from any retaliation or otherwise opprobrium that might come as a result of the disclosure of the complainant's identity. It is an important change. The process of raising complaints often will be in circumstances where practitioners may wish to raise matters that otherwise might not be raised, where it be for the practical circumstance of the disclosure of their identity and the matters that follow on from there.

Thirdly, the bill provides for the report of the judicial conduct panel to be provided to the commissioner and to make clear that the commissioner has jurisdiction to deal with conduct that pre-dates the commencement of the act.

In the broad, those are the three subjects of the bill. In dealing with the first of the three, I have referred to the amendments to amplify section 13 of the act. Clause 8 of the bill relevantly introduces, after section 13(5), new subsections (6) and (7). Notwithstanding the section 13 regime that provides for preliminary examination prior to determining one of the three outcomes of the preliminary examination, these subsections will provide that, if the commissioner, prior to conducting a preliminary examination, as is contemplated by section 13(1), determines that the complaint is one that must be dismissed under section 17(1), then the commissioner may dismiss that complaint without conducting a preliminary examination. That is section 13, new subsection (6).

New subsection (7) of section 13 provides:

> (7) If the Commissioner exercises the power under subsection (6) to dismiss a complaint, the Commissioner is not required to give any notification in relation to the complaint to the judicial officer who is the subject of the complaint or to the relevant jurisdictional head but must give any complainant written notification stating—
>
> (a) that the Commissioner has exercised that power—

And secondly, and in my view importantly in these circumstances, where an additional discretion is being provided for by means of this expanded regime by new subsection (7)(b), the commissioner, in terms of that written notification, must state:

> (b) the grounds on which the Commissioner is satisfied that the complaint is one that must be dismissed under section 17(1).

It is an amendment to the preliminary examination regime provided for in section 13. It expands the scope of possibilities and actions open to the commissioner in taking those steps. As I have endeavoured to step through in explaining those additional subsections, I will describe it as striking a balance between, on the one hand, proceeding to a dismissal without the preliminary examination having occurred, and, on the other hand, providing the complainant with the grounds for which that step has been taken by the commissioner.

I further note that the amendment of section 4 importantly brings about a change to make clear where this act is referring to the relevant jurisdictional head. It makes clear that where a complaint relates to a jurisdictional head, the Chief Justice of the Supreme Court is the only relevant jurisdictional head for the purpose of the complaint. The amendment also makes clear that acts of victimisation by a judicial officer may be the subject of a complaint under the act.

The amendments to the Judicial Conduct Commissioner Act 2015, which are the consequence of the bill and which I have described in the broad amendments, are responsive to the requests for the commissioner's proactivity. In an incremental way, they have the effect of providing additional discretion to the commissioner in terms of how they go about disposing of complaints. As I have outlined, they also have the further effect, it is hoped, of ensuring that a complainant is provided with a thoroughgoing due process consideration of any complaint that may be raised from time to time.

Of course, as this environment of oversight evolves, changes will be made incrementally. One aspect that ought to be very much at the heart of everything we do in terms of oversight, as well as the response and consideration of complaints in these circumstances, is that we must take steps to ensure that everything we do is increasing the level of confidence that practitioners and complainants have in engaging with this process. It is by doing this that we are best able to serve the judiciary, the profession and the community more broadly, in that we have a means of dealing with and disposing of complaints through the commissioner process that is both orderly and thoroughgoing.

In the short time that is still available to me, I reflect upon the importance from time to time, and particularly in this context, of the availability of anonymity in a complaints process. In any number of fields, it might be regarded as obvious that it may be desirable in a number of different circumstances for there to be sensitivity around the source of the complaint and that there ought not be any dissuasion or perceived barrier to the bringing of complaints, including any opprobrium that might follow being identified as a complainant.

It is not just in the context of complaints. Anonymity may be desirable in a number of other areas when feedback is sought or where a view is expressed. In this context, where a complaint is to be made—particularly by practitioners who need, as a practical matter, to interact in the course of their profession with those who may be the subject of a complaint—then it is very important, if the commissioner is to be the proper point for the receiving of complaints and the consideration of them, that this be one aspect of the process. The subject of the bill is important yet incremental changes to the 2015 act. They take place in the evolving environment of oversight. They will further enhance the possibility for productive work of the commission, and I commend the bill to the house.

Ms COOK (Hurtle Vale) (12:36): I rise to indicate Labor's support for the bill, and I indicate that I am the lead speaker on this bill. Following the passing of the Judicial Conduct Commissioner Act in 2015, the Independent Commissioner Against Corruption, the Hon. Bruce Lander QC, was appointed as the first Judicial Conduct Commissioner. The role of the commissioner is to deal with complaints regarding the conduct of judicial officers such as magistrates and judges. This bill is the same as the one introduced by the Labor government during the previous parliament; however, the bill lapsed as it did not pass in time.

I understand that the commissioner requested the bill and the amendments, but the Attorney-General might like to confirm whether all the amendments in this bill were in fact requested by the commissioner. The bill clarifies that the commissioner can dismiss a complaint without conducting a preliminary investigation where the commissioner has previously considered the subject matter of the complaint and/or where the commissioner has determined that the complaint, if substantiated, could not warrant taking any action under the act.

A new clause is introduced by the bill that requires the commissioner not to disclose the identity of a complainant to a judicial officer unless the complainant has consented or if the commissioner is of the opinion that disclosure is required so the judicial officer can respond to the complaint. This is particularly important in instances where, for example, a lawyer regularly appears before a specific judge. The bill also clarifies that the Judicial Conduct Commissioner is able to use the staff of the Independent Commissioner Against Corruption and not just staff from the Office for Public Integrity. With those few words, I once again would like to indicate our support for the bill.

Mr CREGAN (Kavel) (12:38): I rise to support the second reading of the Judicial Conduct Commissioner (Miscellaneous) Amendment Bill and to amplify the remarks made by the Attorney-General and the member for Heysen. I have listened carefully to the remarks made by the member for Hurtle Vale. The bill amends the Judicial Conduct Commissioner Act 2015. You will recall, Mr Deputy Speaker, that the Attorney earlier made plain that Mr Bruce Lander QC was appointed by the Governor as the first Judicial Conduct Commissioner following the passage of the principal act through parliament in October 2015 and royal assent to the bill being given on 5 November 2015.

As you well know, Mr Deputy Speaker, I have had the benefit of listening particularly carefully to the member for Heysen. I very much value his thoughtful, useful and productive contribution, not just on this occasion but on other occasions. The amendments contemplated by the bill were developed in consultation with the commissioner and include substantive and consequential amendments to the principal act. One such substantive reform which I wish to reflect on, and which in my view is desirable, is reflected in clause 15 of the bill, which affects amendments to section 32 of the principal act. That amending clause provides in part:

> (2) Section 32—after subsection (4) insert:
>
> (5) A notification required to be given by the Commissioner under this Act to a judicial officer who is the subject of a complaint or the relevant jurisdictional head in relation to a complaint must not disclose the identity of any complainant unless—
>
> (a) the complainant has consented to the complainant's identity being so disclosed; or
>
> (b) the Commissioner is of the opinion—
>
> (i) in the case of a notification required to be given to the judicial officer the subject of the complaint—that the disclosure of the complainant's identity is necessary to ensure that the judicial officer can properly respond to the complaint; or
>
> (ii) in the case of a notification required to be given to the relevant jurisdictional head—that the disclosure of the complainant's identity is necessary to ensure that the relevant jurisdictional head can properly exercise their responsibilities in relation to the complaint.

There lies the machinery of the change I wish to address. The effect of the clause, if adopted by this parliament, would mean that the commissioner need not disclose the identity of a complainant to a judicial officer unless the complainant consents to such disclosure, or if the commissioner forms an opinion that disclosure is necessary. This is a substantial departure from rule of law norms.

In the ordinary course of the resolution of any complaint, the person who is the subject of the complaint could expect to know the identity of the complainant or accuser. To have such knowledge is often an important ingredient in determining whether natural justice and procedural fairness have been affected, or whether the person who is the subject of the complaint has been afforded natural justice.

The question that naturally arises is: are there circumstances that exist, as between a judicial officer and any prospective complainant, that would justify some departure from rule of law norms and from this important ingredient in affording a person the subject of a complaint—whether they be a judge or any other person—information that would otherwise allow them to properly participate in the resolution of the process to determine the complaint made against them? I suggest to the house that, in this instance, the answer is yes.

Litigants, barristers and solicitors are likely to be the majority of complainants. In the case of barristers and solicitors, they appear frequently before the same or similar judicial officers, as the member for Hurtle Vale pointed out for the benefit of the house. So we also ask: is a future complainant, knowing that they might appear again before a judicial officer in relation to whom they wish to make a complaint, likely to be deterred from making a legitimate complaint because the judicial officer will know their identity?

There is a risk that a fair-minded lay observer would form the view that there is a chilling effect on complainants in such circumstances. There may not of course be bias in fact; it is just that

there is the risk of apprehended bias. We wish to guard against that risk and to make the other consequential amendments the act makes have regard to the machinery of the amending clause, which I have outlined for the benefit of the house.

The amendments we propose also allow the commissioner to dismiss complaints that might properly be characterised, or regarded or formulated properly, as trifling, frivolous or vexatious. I do not use those words as terms of art having regard to the legislation before us but instead to illustrate the discretion that might be exercised by the commissioner if the amendments we now propose are accepted here and in the other place. I make the observation that that is instead the effect of the legislation. I commend the legislation to the house.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:46): I thank all members for their contribution in consideration of this bill and, without in any way detracting from the excellent contributions from my colleagues on this side of the house, I also thank the member for Fisher for her indication of support for the government.

An honourable member interjecting:

The Hon. V.A. CHAPMAN: Hurtle Vale, I beg your pardon. I could talk about whether it should be just Hurtle or Hurtle Vale and what I think should have happened under the boundaries commission; nevertheless, I will not hold the house on that matter, which is a little bit extraneous to this debate.

Given the matters raised by the member for Hurtle Vale, I would like to bring to the house's attention the annual report prepared by the Judicial Conduct Commissioner under the statute and required to be lodged after each financial year. Because the establishment of the commencement of this commission occurred in December 2016, the annual report that was tabled late last year by the commissioner, via the attorney-general of the day, was for only a part year. However, the commissioner made clear in that report the charter he was under and the obligations under the act, as well as the particulars of complaints received and how they had been dealt with. I will refer briefly to what was alerted to us last year in the parliament. I quote from page 8 of his report:

> Prior to the commencement of the JCC Act, I expected that there would be an initial flurry of complaints. On the first day of operations, however, I did not receive any complaints and, on the second day, I only received one.
>
> I consider that this may have been due to the statutory requirement for the complainant to identify himself or herself. Anecdotal evidence suggests that this may have created reluctance on the part of lawyers to complain.

He then goes on to report to us as the parliament that he had received 23 complaints during that part financial year and that another nine complaints were brought by jurisdictional heads to his attention for noting. He reported to us that six complaints of the 23, as at 30 June 2017, had not been finalised.

For those who were either not in the parliament at the time this was tabled or had not jumped to read this important report, of those 23 complaints the general nature comprised two for alleged failure to exercise power or carry out function, 15 for allegations of inappropriate conduct in court or in chambers, one for failure or delay in delivering judgement or making a decision, three for judicial decision or an order and two for non-SA state court judicial officer matters. Of those, 10 were dealt with by taking no further action.

Under section 16 of the act, that is allowed. The general nature of those complaints was that one of them was for alleged failure to exercise power or carry out function, eight were for inappropriate conduct in court or in chambers and one was for failure or delay in delivering a judgement or making a decision. He reported that seven of those complaints were dismissed under section 17 of the act: two of those for alleged inappropriate conduct in court or in chambers, two for non-SA state court judicial officer, two for judicial decision or order and one for failure to exercise power or carry out the function.

There are a whole lot of other categories that he reports to us in respect of the number of complaints. For example, there were zero referrals from a judicial head, zero resultant reports back to the parliament, zero recommendations to appoint a judicial panel to further hear a matter and six for complaints not yet finalised, as I have indicated. There were a number to deal with notations.

I think it is fair to say that it is not a really busy role that is being undertaken, although of course we will receive in the next few months the commissioner's 2017-18 report and we will see

whether he has been busier. However, I make the point that he highlighted even then that there may be some reticence on behalf of complainants to report and work with judicial heads and the commissioner, in particular. The very reason this bill is before us, which I am advised is exactly the same as the bill as previously proposed by the former government, is why we are here.

A couple of matters were raised by the member for Hurtle Vale. I am happy to deal with those quickly in committee, but can I say that there are no additions to this from the new government. This is really to deal with matters that have been raised by the commissioner himself, in consultation with the heads of jurisdiction. Obviously, we are here to try to make sure that, if there is a genuine complaint, it is not being impeded by people who are too frightened to come forward.

Another matter is that the Law Society has provided a suggestion that we add another provision to the bill to require the commissioner to invite a complainant to comment or make submissions when the commissioner is considering whether to disclose their identity and that it be a specific provision, or otherwise allow them to withdraw their complaint if their identity is to be disclosed. This was a submission put by the Law Society.

The government have considered that because we perfectly understand the significance—and that is why we are here—that persons who make complaints, particularly if they are legal practitioners, may be concerned about their identity being disclosed. That is a given. However, the provisions of the bill already ensure that the complainant's identity is not disclosed without consent, or, if it is in a circumstance where no consent has been given, it will only be if the commissioner considers it necessary for the judicial officer to be able to properly respond to the complaint.

Adding the provision suggested by the Law Society does cause some difficulty, as presumably in most cases the complainant would object to their identity being disclosed, but the commissioner may still consider it necessary to disclose it for the judicial officer to be able to answer the complaint. The result is that we end up in a stand-off or a stalemate with the complaint not being able to be properly resolved without disclosure, but the complainant not wanting the disclosure to occur. I thank the Law Society for their view on that matter. They raise a good point, but I think we have adequately and appropriately covered it in the bill.

The second part is giving complainants the right to be able to withdraw their complaints if their identity is going to be disclosed. In that situation, it is conceivable that some behaviour is so serious that the commissioner believes it to be in the public interest for it to be investigated, even if the complainant wants to withdraw the complaint.

It is a bit like when someone lodges a complaint with the police and says, 'I have been assaulted,' and then withdraws that at a later time. They do not want to continue to give evidence, often against a relative, but the police make the decision that this is a matter of public safety and interest and therefore they should continue to prosecute. It is also, I am advised, if there were provisions expressly allowing complaints to be withdrawn that it may open the door for complainants to be intimidated or pressured into withdrawing complaints. If there is no provision allowing withdrawal, there is no opportunity to pressure the complainants.

I hope this would never happen, but we would not want to have a situation where, regarding a judicial officer under review, it came to their attention and they grabbed the lawyer in the lift on the way to court and said, 'I have heard you have put in a complaint about me. Good luck next time you want to get an adjournment. I won't be too sympathetic.' I hope that would never happen, but we want to be able to make sure that there is no opportunity for someone to be placed under pressure in those circumstances.

The government is confident the commissioner takes the issue of confidentiality of complainants' identities very seriously because, as I said, it was his idea that this matter should be brought to the attention of the parliament and remedied. That is what we are doing, and I thank the opposition for indicating their support.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms COOK: Attorney-General, who did you consult with on this bill in complete terms?

The Hon. V.A. CHAPMAN: I do not have a full list of the consultants from the previous bill from the time this was previously introduced by the former government, but I will quickly clarify that. It was the commissioner—obviously, the Judicial Conduct Commissioner being the subject—the Chief Justice, and since the bill was tabled the Law Society have themselves presented their submission in terms of what I have just outlined.

Ms COOK: Of course, the Law Society do a great job. Can the opposition obtain copies of the submissions?

The Hon. V.A. CHAPMAN: I do not think they can, but I can check that. This is in relation to the submissions, not by the complainants.

Ms COOK: The consultation.

The Hon. V.A. CHAPMAN: Yes. I doubt that they would be in written form, but I will check on that. Generally, it has been the practice of the previous government that a number of submissions are put online by whomever presents them—obviously, the Bar Association, the Law Society of South Australia, etc. I will make some inquiries as to whether there is anything written, whether they can be made available, and if they can be made available that they are provided. Is that what you are asking?

Ms COOK: Yes. You mentioned that it would not be a busy type of position, but how many matters would the Judicial Conduct Commissioner hear each year and what categories would they fall into?

The Hon. V.A. CHAPMAN: Could you please repeat the question?

Ms COOK: How many matters would they be hearing?

The Hon. V.A. CHAPMAN: I read those out: 23 in the seven months part-financial year last year; six of those in summary have not been finalised. If you look at *Hansard*, you will see the breakdown of that.

Mr GEE: In relation to clause 1, can the Attorney-General confirm that the bill only contains measures that the Judicial Conduct Commissioner requested?

The Hon. V.A. CHAPMAN: Yes.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

Ms COOK: I have just one question on this clause. Is this effectively a transitional clause that applies to the bill, to matters that have occurred before its commencement?

The Hon. V.A. CHAPMAN: Correct.

Clause passed.

Progress reported; committee to sit again.

Sitting suspended from 13:00 to 14:00.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today Port Adelaide TAFE Women's Education students, who are guests of the member for Port Adelaide. I hope you enjoy your stay here today. We also have Rose Park Primary School year 6 students from the seat of Dunstan, who are guests of the Premier. I welcome them. I am advised they are an excellent class.

ANSWERS TABLED

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

Ministerial Statement

BATTLE OF HAMEL

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.S. MARSHALL: While the Fourth of July marks American Independence Day, for Australia and the United States it marks a century of mateship—mateship forged on the Western Front during the Battle of Hamel in the First World War. The United States Army entered the war as a fighting force on the Fourth of July 1918, which led to an unbreakable bond between the Australians and the Americans, where our two great nations have fought side by side in every major conflict since.

The capture of the town of Hamel and its surrounding areas was a significant and strategic objective for the allied cause in mid-1918. It provided an important foothold around the Somme as well as adding depth to defences on Hill 104, a vital location close to the eastern outskirts of Villers-Bretonneux. The Hamel operation was under the command of Lieutenant General Sir John Monash, his first as commander of the Australian Army Corps, who stated:

> It was high time that the anxiety and nervousness of the public, at the sinister encroachments of the enemy upon regions which he had never previously trodden, should be allayed by a demonstration that there was still some kick left in the British Army.
>
> I was ambitious that any such kick should be administered, first, at any rate, by the Australians.

Monash's plan was pioneering. It was a battle that was short and sweet because of Monash's extensive planning. The first of these was the detailed and democratic planning approach to discuss ideas for the battle, which drew on the expertise of individual commanders and subordinates—something British commanders would not entertain. The second was the concept of a fast strike on the enemy utilising a combination of aircraft, tanks, heavy artillery and Lewis guns.

The Battle of Hamel is also significant for Monash's use of four companies from the newly arrived American troops of the US 33rd Division. Monash decided to fight the battle on the Fourth of July—US Independence Day—in the knowledge that this would inspire the 800 Americans attached to his battalions. The attack was primarily an infantry assault with significant tank and artillery support. Monash attacked at 3am to avoid the light, decreasing enemy visibility and protecting the troops from fire for as long as possible. The Battle of Hamel was a spectacular success. The capture of the village took just 93 minutes—three minutes more than Monash had anticipated in his planning.

The Germans suffered approximately 2,000 casualties and the loss of many machine guns, trench mortars and antitank weapons. There were 1,062 Australian and 176 American casualties. Over 1,500 Germans were taken prisoner. Infantry, artillery, tanks and planes worked together to move the front line forward by 2½ kilometres across an eight-kilometre front with relatively few losses. Australian and American troops dug in together at Hamel on 4 July 1918. The French president at the time of the war, Georges Clemenceau, visited Australian troops who had fought at Hamel and said:

> I shall go back tomorrow and say to my countrymen: 'I have seen the Australians, I have looked into their eyes. I know that they, men who have fought great battles in the cause of freedom, will fight on alongside us, till the freedom for which we are all fighting is guaranteed for us and our children.'

We will remember them.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

Rules made under the following Acts—
Magistrates Court—Civil—Amendment No. 21

Ministerial Statement

STATE RECORDS OF SOUTH AUSTRALIA

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. V.A. CHAPMAN: State Records of South Australia is the government archive responsible for managing an archival collection that comprises approximately 90,000 linear metres of official government records of historical value, dating from the 1830s to the current day. Access to the archival collection by interested bodies and government agencies has traditionally been provided in person at State Records, now all at the Gepps Cross research centre.

To meet with what has become significant customer demand for improved access, and to enable the collection to be accessed by regional South Australians and those interstate and overseas, State Records has embarked on a program of work to digitise records and increase the number of indexes available. In November 2015, State Records entered into a partnership with FamilySearch, a not-for-profit organisation focused on helping people connect with their ancestors through easy-to-access historical records.

Only those records that are currently open for public access, as determined by the agency that is responsible for the records, are provided to FamilySearch. No restricted material is made available. The records accessed by FamilySearch can be accessed by any member of the public who wishes to examine them and who would be free to make a copy of that material, should they wish to do so. FamilySearch has the same access to State Records as every South Australian, and therefore it is incorrect to suggest that they may have access to information that is not publicly available, as has been referred to in some media reports.

In choosing which records are digitised as part of the arrangement with FamilySearch, State Records undertakes a rigorous process. This includes an experienced archivist physically checking the record to make sure that it is open access and a liaising with the government agency that is responsible for the record in order to obtain their permission to have the record included. Only following agency approval do State Records seek to have the record included in the arrangement.

Let me be clear: adoption records are completely restricted under the Adoption Act and State Records would never consider these records for inclusion on that basis. Only those records that are freely available to the public are considered for the arrangement. Generally, social welfare records, including records relating to wards of the state and guardianship of the minister, are restricted for 100 years. This restriction is set by the agency that is responsible for the records.

The only social welfare records that would be accessible to FamilySearch are those that are openly accessible because they are now over 100 years old and where State Records has received approval from the agency responsible. To date, only destitute asylums pre 1911 and records of infants born at the destitute asylums, also pre 1911, have been digitised and published. The digitisation service provided by FamilySearch has seen large numbers of records digitised and preserved, a service benefiting the whole community. These records are published at no cost to the government or community.

In 2016-17, the partnership of FamilySearch saw 140,000 images digitised. Where people do not wish to register with FamilySearch free of charge to access the images, State Records will provide researchers with a digital copy of the record, only charging an application fee of $9.25. There is no requirement for individuals to identify their religion if they are accessing the records via State Records.

State Records has extended its agreement with FamilySearch to include the indexing of the records being digitised, further increasing the accessibility of the records. The FamilySearch program

supports community engagement with and access to the state's archival collection and is particularly important for improving access to regional areas and for those unable to travel to the research centre. State Records provides access to the state's archival collection in a number of ways, with the main focus being face-to-face services delivered through the Gepps Cross research centre.

Members of the public are free to attend and view open access records and receive assistance from experienced archivists. State Records' staff and volunteers also undertake digitisation and indexing projects to increase the accessibility of the collection. Access can also be obtained through the on-demand digital copy service, where State Records staff will, for a fee, digitise open access records and provide the customer with a digital copy.

The decision to undertake this contract was made in 2015 by the former government. Partnerships of this nature are common across Australia and, I am informed, have operated in Victoria for 10 years, with many interstate government archives having similar agreements. I annexe to this ministerial statement a copy of the agreement made between the Hon. John Rau, the then attorney-general, and FamilySearch International, which I have read and received permission to table. Read at your leisure.

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens will not interject.

CHILD DEATH AND SERIOUS INJURY REVIEW COMMITTEE

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:11): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.A.W. GARDNER: The Child Death and Serious Injury Review Committee's role is to review the circumstances and causes of all child deaths in South Australia with a view to identifying legislative or administrative means of preventing similar cases of death or serious injury. There are approximately 100 deaths per year, from all causes, of children from birth to 18 years in South Australia. This independent statutory body has been conducting this important work in protecting our children by recommending measures for the prevention of circumstances that would lead or could lead to the death or serious injury of a child.

On 30 June this year, Ms Deej Eszenyi completed her term as presiding member of the Child Death and Serious Injury Review Committee. Today, I wish to thank Ms Eszenyi for her 12 years of leadership in the role. We all seek to improve the safety and wellbeing of South Australia's children, and to do this through the review of child deaths requires an exceptional degree of dedication and commitment. The work of this committee is held in high regard, and I would like to personally acknowledge the valuable expert guidance that Ms Eszenyi has provided in the committee's reviews of child deaths.

The review of child deaths can be difficult work, but Ms Eszenyi always maintained a focus on what could be learnt that may lead to positive change for South Australia's children. Ms Eszenyi has worked hard to bring the committee's recommendations to the attention of many agencies and organisations involved in providing services to children. The best interests of children were always front and the centre in her deliberations and her work.

Of particular note, in 2014 Kidsafe SA awarded the committee the inaugural Helen Noblet Award for its significant contribution to child injury prevention in South Australia. For the past three years, Ms Eszenyi has also chaired the Australian and New Zealand Child Death Review and Prevention Group. Through this work, she has raised the profile of the South Australian committee and strengthened its reputation at a national level. She indicated a little while ago that she did not wish to continue as chair for a further two-year term.

Today in the parliament, on behalf the South Australian government, as I did last week in person, I wish to thank Ms Eszenyi for the time and effort she has put into the committee's work, and I wish her the very best in her future endeavours. Today, I can announce to the house that the new presiding member of the committee, Ms Meredith Dickson, will commence a two-year term in the role, starting on Monday 9 July.

Ms Dickson is an exceptional candidate, having worked in professional legal roles in South Australia for the past 27 years. Ms Dickson currently holds positions as vice president of the South Australian Bar Association executive and a director of the Law Council of Australia. She is also a member of the family law section of the Law Society of Australia and the International Academy of Family Lawyers. She has previously fulfilled the role of the chair of the Psychology Board of South Australia, and she has been a member of the Podiatry Board of South Australia, the Training Centre Review Board and the Women's Legal Service management committee.

I am confident that Ms Dickson will fulfil this role with the high level of dedication and high standards set by her predecessor, who I note has personally endorsed this appointment. I thank Ms Dickson and all members of the committee for their willingness to contribute to improving the safety and wellbeing of South Australia's children. I trust that her knowledge, expertise and leadership will be invaluable in the deliberations of the committee.

Question Time

GOODS AND SERVICES TAX

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:15): My question is to the Premier. Can the Premier guarantee that South Australia will not be one dollar worse off as a result of the new GST distribution regime in comparison with what would otherwise be the case under the current GST distribution regime?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:15): I thank the Leader of the Opposition for his question. This is certainly a very important question and issue for the people of South Australia. As members would know, the Australian Productivity Commission brought down their report last year that essentially takes a lot of money away from South Australia and redistributes it to other jurisdictions around the country, most notably New South Wales and Western Australia. We have been negotiating virtually since day one of coming to government because we know that this is such a significant issue for the people of our state.

Our position has always been extraordinarily clear, and that is that we would not accept any deal that disadvantaged the people of South Australia. I have to say that it has been a very long and complex negotiation to date and there is still plenty of negotiation to occur, but the federal government has now arrived at a point where they have rejected the Australian Productivity Commission recommendation. Most importantly, the Prime Minister yesterday and again today reiterated that no state will be worse off.

The federal Treasury has provided us with detailed forecasts of what their new model would look like. They have provided us with some assurance of an additional payment to the people of South Australia over the next eight years, but the detail of this is yet to be formalised. My understanding is that there will be negotiation for the coming months and a new agreement will be incorporated into an intergovernmental agreement, which will be signed before the end of the year.

I give this commitment to the house: we will not be signing any agreement that disadvantages the people of South Australia. As a state, we're just getting back on our feet. The last thing we can afford to do is be without the GST money that has been promised. It has been put into the forward estimates in South Australia and beyond that. We do not want to do anything that is going to disadvantage the recovery of our state. We have made that position extraordinarily clear for a long period of time, and we will maintain that position.

I would like to acknowledge in the house the work that the Hon. Rob Lucas has done. He has conducted a lengthy and complex negotiation not only directly with the federal Treasurer but also with other jurisdictions around the country. This is a very important negotiation that is currently underway but, as I said, I am very grateful to the Prime Minister for his commitment yesterday and again today that no state would be any worse off. The Prime Minister is a great friend of South Australia. He was here last Friday announcing a $35 billion frigate contract to be built in South Australia.

Yesterday, he was here in South Australia. In fact, he was on Kangaroo Island, where he officially opened the new airport facility to which the federal government have committed more than $10 million. Today, he has come out as a friend of South Australia and made it very clear that

South Australia will not be any worse off under the proposals that are currently under consideration but will not be finalised, as I said, until the intergovernmental agreement is signed later this year.

GOODS AND SERVICES TAX

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:19): Supplementary question: how can the Premier be so sure of the Prime Minister's commitment that South Australia will not be worse off if there are still negotiations to occur and detail to be seen?

Members interjecting:

The SPEAKER: Premier would you like to have a go at that one?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:19): Well, I don't know—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. S.S. MARSHALL: It's difficult to explain this any slower or any more clearly. We haven't signed the intergovernmental agreement, and we on this side of the house make it very clear that we won't be signing any agreement if South Australia is disadvantaged. What we would like to know, though, of course is: what is the Leader of the Opposition's position on this?

Mr Malinauskas: We want to see the detail. We know your position.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: What the Leader of the Opposition needs to explain to this house is where he has been. Where has he been when they were in government?

Mr KOUTSANTONIS: Point of order, sir.

The Hon. S.S. MARSHALL: Where has he been—

The SPEAKER: Premier, there is a point of order. I will hear it.

Mr KOUTSANTONIS: Debate, sir.

The SPEAKER: The point of order is for debate. At this stage, I am listening carefully to the Premier's answer. I note that he is being interjected.

Mr Malinauskas: No he's not!

The SPEAKER: Members on my left are interjecting—

Members interjecting:

The SPEAKER: —as are members on my right. I remind members that interjections are highly out of order. I expect to hear the Premier's answer in silence. I will be listening carefully to ensure that he does not stray from the substance of the question. Premier.

The Hon. S.S. MARSHALL: Thank you very much, sir. As I was explaining to the house, we are excited about the negotiation, which will be concluded hopefully before the end of this year, for the new intergovernmental agreement regarding the distribution of GST in Australia. It is a very significant negotiation which has taken place but it hasn't been concluded, and I give my commitment to this house and to this parliament that we won't be signing anything that disadvantages the people of South Australia.

I note that the intention is for this to be concluded by the end of this year—in fact, possibly as early as October or November this year—but sometimes these things do slip. Sometimes, the best laid plans of mice and men—what's that expression?—'gang aft a-gley'. Sometimes they go astray. I think the only nagging concern I have regarding securing this deal for the people of South Australia is that it isn't concluded before the next federal election and the people of Australia do not re-elect a Coalition government.

I tell you, there is some concern here because we haven't heard anything from the Australian Labor Party regarding this issue. In fact, the only thing that we have heard literally hours after the Leader of the Opposition, Bill Shorten, was in South Australia last time, he flew out—guess where?

The Hon. D.C. van Holst Pellekaan: Perth.

The Hon. S.S. MARSHALL: Perth, Western Australia! He made no comment in South Australia about securing our GST distribution; he flew straight over to Perth. What did he say there? He said Western Australia deserves more money.

Mr MULLIGHAN: Point of order, Mr Speaker.

The Hon. S.S. MARSHALL: Where is Western Australia going to get that money from?

The SPEAKER: There's a point of order, Premier, one moment. Point of order?

Mr MULLIGHAN: Standing order 98: this is clearly debate.

The SPEAKER: I ask the Premier to please return to the substance of the question. Premier.

The Hon. S.S. MARSHALL: As I was saying, sir, we will not be signing up to any deal. We hope that that deal will be concluded before the next federal election because we have a commitment from the Prime Minister, Malcolm Turnbull, a friend of South Australia, who has given us a commitment. He has given us a commitment that no state will be any worse off, and we won't be signing anything that says that. So our position is very clear.

As I said, the only worry for us is if it's not concluded and there's a change in the federal government, because we have no clarity from the Australian Labor Party at the federal level, or from those opposite—no clarity from those opposite whatsoever—what their position on this is. Our position is very clear and we've made it very clear—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —and we've said we will only sign an agreement if we are not disadvantaged in South Australia. I've heard no such commitment from those opposite. We are not clear about what their position is. We know that they have to fall into line. We know that they have to fall into line with their party, and their party's position is to give a big leg-up to Western Australia—a big leg-up to Western Australia—and the Australian Productivity Commission's report is clear: that money should come from South Australia. We do not share that view. It would be about time that those opposite started clarifying their position.

Members interjecting:

The SPEAKER: Before I call the next speaker, I call to order the following members: the member for West Torrens, the Leader of the Opposition, the Premier and the member for Waite. Leader of the Opposition.

GOODS AND SERVICES TAX

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:24): My question is to the Premier. Has the government received any advice from the Department of Treasury and Finance in relation to the proposed new GST distribution regime?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:24): Absolutely. There has been a huge amount of advice. I presume you mean from our Treasury and Finance here in South Australia. There is a huge amount of work that is being done between our Treasurer and the federal Treasurer and a huge amount of work that is being done by Treasury officers in both jurisdictions.

As I said, that information, which has been moving to and fro, is going to be the basis for what we will be finalising the negotiation on. It's a very big decision. I would say that this intergovernmental agreement is probably the most important in the history of this state. We are talking about billions and billions of dollars. We have to get this right, and that is why we have made it very clear that we do not support anything that disadvantages the people of South Australia.

Those opposite have previously had a different position from that. In fact, most recently, last year and the year before, those opposite were advocating—and they haven't clarified this, so we must just assume it's their current position—a massive increase in GST in South Australia and in the entire country, in fact. They wanted to punish the people of South Australia with an additional tax—they love taxes—a 15 per cent GST in Australia. We don't support that. We have made our position on GST very clear. We don't support a 15 per cent GST, as those opposite have previously advocated. In fact, at one stage, we were spending taxpayer dollars lobbying other states in Australia to actually increase the GST to 15 per cent.

Mr KOUTSANTONIS: Point of order: relevance, sir. The Premier is talking about Labor Party policy in 2015.

Members interjecting:

The SPEAKER: Order!

Mr KOUTSANTONIS: Bring him back to the substance of the question.

The SPEAKER: The point of order is about whether the Premier is replying to the substance of the question. I believe that, at this point in time, the information is germane. Whilst the Premier is not able to make a partisan speech, he may be able to refer perhaps to other approaches that are being considered in relation to this matter, but I will listen carefully.

Mr Malinauskas interjecting:

The SPEAKER: I understand that. I will listen carefully, but that is my ruling. Premier.

The Hon. S.S. MARSHALL: The question was about advice from Treasury to the government. I have looked through various pieces of advice and there was nothing that said you should increase the GST to 15 per cent. We can rule that out. We haven't received any advice to increase the rate of GST to 15 per cent, or 20 per cent, or whatever those opposite would like it to be.

Of course, there has been a huge amount of information that we have received to prepare us for the negotiation that has occurred over the last few months. I am sure the previous government had advice from Treasury regarding the Australian Productivity Commission report, and that is probably why they were nervous, like we were nervous. This could have gone horribly wrong. We were staring down the barrel of a gun. If the Australian Productivity Commission report recommendations had been implemented, this would have been pulling the carpet out from underneath South Australia at exactly the time when we need certainty. We need to make sure that that GST money is coming to South Australia.

I feel very optimistic about the future of South Australia, and the last thing we need at the moment is that GST money, which is already factored into our forward estimates, taken away from us. That is why I say that Malcolm Turnbull is a friend of South Australia: he has guaranteed that no state will be worse off, and that is good news for South Australia.

The SPEAKER: Last supplementary.

The Hon. S.K. Knoll: It's your last lifeline, Tom.

The SPEAKER: The Minister for Transport is called to order.

GOODS AND SERVICES TAX

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:28): Supplementary question: will the Premier release the Treasury advice he has received regarding the new distribution regime?

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

The SPEAKER: The member for Elder.

Members interjecting:

The SPEAKER: The member for Elder has the call.

Members interjecting:

The SPEAKER: Order! The member for Elder will be seated for one moment. The time is ticking. When there is silence, the member for Elder will have the call. Member for Elder.

GREATON AND MARRIOTT INTERNATIONAL PARTNERSHIP

Ms HABIB (Elder) (14:28): My question is to the Premier. Can the Premier please inform the house about the Greaton and Marriott International partnership to bring the signature Westin hotel brand to Adelaide?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:29): More good news. It just keeps coming, sir. I would like to thank the member—

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. S.S. MARSHALL: I would like to thank the member for Elder for her question and it was, let me tell you, very good news for the people of Elder when she was elected on 17 March this year. What an outstanding person—

Mr Duluk interjecting:

The Hon. S.S. MARSHALL: —and, of course, the assistant minister to the Deputy Premier in South Australia and—

The SPEAKER: The member for Waite is warned.

The Hon. S.S. MARSHALL: —in particular, doing a great job coordinating the efforts of the government to ensure that we do everything we can for domestic and family violence prevention in South Australia. So congratulations to you, and thank you for this question.

This question is an important question, and I think it speaks to the increasing confidence that is coming to the South Australian economy. Recently, we have heard that the Adelaide Casino is pushing ahead with the expansion plans that they have had on the books for many, many years. They have actually pressed the 'go' button, which is absolutely fantastic. We know that BHP have announced that they are building a new office in South Australia—good news for people in the construction sector in our state.

There was more good news yesterday when we know that the Greaton group—or it's just called Greaton—announced that they would be building a brand-new hotel in South Australia. This is a $200 million show of confidence in the improving economy in South Australia. It will be a 15-storey building, which will be adjacent to the General Post Office on King William Street in Adelaide. It will have 285 rooms, and it is due to be completed in 2022. I thought that it would be a great idea to open it on New Year's Eve, which would be fantastic and a good way to start the year. Then, of course, all that important work with the Tour Down Under leading into—

Mr MULLIGHAN: Point of order: unless there is new information the Premier is about to provide the house in addition to the media reports, which were published yesterday, this question should be ruled out of order.

The SPEAKER: Thank you, member for Lee. I notice that the member for Lee—

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

The SPEAKER: Order! The Minister for Education is called to order. The member for Lee has provided me with two articles related to this subject, but I anticipate that the Premier will provide information in addition to the information that is in that article. Premier, please continue.

The Hon. S.S. MARSHALL: Thank you very much, sir. It's incredible. There's good news in South Australia and those opposite don't want to hear it.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I just suggest they put their hands over their ears for the rest of this because this is unequivocally good news for the people of South Australia.

Sir, let me tell you a little bit about Nicho Teng. Nicho Teng came to South Australia only 14 years ago as a student in South Australia, and since that time he has worked very diligently to grow his business. In fact, it was only five years ago that I presented him with a Fast Movers award in South Australia. He has been an incredibly talented, hardworking and successful businessperson in South Australia and, like so many people from the private sector who do well, they want to reinvest, to give something back. Let me tell you, when this new five-star Marriott hotel—

An honourable member: Westin.

The Hon. S.S. MARSHALL: Well—

Members interjecting:

The Hon. S.S. MARSHALL: —it's actually a Marriott hotel—

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —which will be operating under the Westin brand. When it opens in South Australia, it will be a very happy day for the people of South Australia. One of the things we have said—

Members interjecting:

The SPEAKER: Members on my left will not interject.

The Hon. S.S. MARSHALL: —repeatedly is that we want to bring more convention work to South Australia, and this is why we have massively increased the bid fund to bring international conventions—

Mr Koutsantonis interjecting:

The Hon. S.S. MARSHALL: —to South Australia.

The SPEAKER: The member for West Torrens is warned.

The Hon. S.S. MARSHALL: Those opposite, when they were in government wound down the bid fund—

Members interjecting:

The Hon. S.S. MARSHALL: —and, by contrast, what we want to do is to grow the size. We know that when people come in for conventions and conferences their spend in the South Australian economy is extraordinarily high—

Mr Koutsantonis: You're kidding?

The Hon. S.S. MARSHALL: —and on this side of the house we love that. That's why we are investing in bringing more of those people here. That's why the announcement by the Greaton group is good news. I know those opposite don't like it, but unfortunately they are going to have to get used to it because South Australia is on the move.

The SPEAKER: Before I call the member for Lee—

Members interjecting:

The SPEAKER: Order! Before I call the member for Lee, the member for West Torrens and the member for Lee—

Mr Koutsantonis: Come on, sir, that was funny.

The SPEAKER: —are interjecting. No matter how funny they may be at times, they are interjecting and interjections are out of order. Accordingly, I warn the member for Lee and the member for West Torrens, and I call to order the member for Playford. The member for Lee.

GOODS AND SERVICES TAX

Mr MULLIGHAN (Lee) (14:34): My question is to the Premier. Did the Premier or his Treasurer urge the federal government to continue with the current GST distribution regime?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:34): We explored various options with regard to this. Our unequivocal position, the part of our position that we would never change, is that we would not do anything that would disadvantage the taxpayers of South Australia. We made that position very clear. We made it very clear last year. We made it again when the Australian Productivity Commission report was published, and then of course we have used it right throughout as the bedrock of our negotiation with the federal Treasurer, the Hon. Scott Morrison, and also with the Prime Minister.

As I said to the house earlier, I have been very impressed that the Prime Minister of Australia has been personally involved in this negotiation. I have had several discussions and meetings with him on this issue; that is just how important this issue is. One of the areas that we didn't consider, one of the options we didn't put to the federal government as part of this negotiation—whilst we are talking about exploring different options that might have been considered—

Mr Mullighan: Yes, try and segue this.

The Hon. S.S. MARSHALL: That was the question: which option did you put?

The SPEAKER: Is the member for Lee interjecting?

The Hon. S.S. MARSHALL: One of the things we didn't do was we didn't advocate to grow the size of the pool by extending GST to financial services in South Australia. Those opposite—

Mr MULLIGHAN: Point of order: standing order 98. The question was very specific about whether he urged the federal government to maintain the current GST distribution regime. It was not about other options canvassed.

The SPEAKER: The Premier is being interjected on by members on your side of the chamber. I will listen carefully to ensure that he does not move from the substance of the question. Premier.

The Hon. S.S. MARSHALL: Thank you very much, sir. The question is whether we urged the federal government to stay with the status quo. As I said, our bedrock position was that we didn't want South Australia to end up any worse. We were happy to consider systems that improved the amount of money coming to South Australia, and to date what has been put on the table specifically shows that.

Those opposite would say, 'We don't want any change,' but, let me tell you, if the federal government is going to put additional money in isn't it negligent of the people doing the negotiation to move away from that? We want to maximise the amount of money coming to South Australia, and what the federal government has put on the table to date, before the deal is signed, is $257 million. That is $257 million over and above the Treasury modelling that had been provided to South Australia, including the forward estimates.

We think this is actually good. That money has come from the federal government agreeing to increase the size of the pool—not change the scope, not hit the taxpayers of South Australia or the rest of the country, not saying, 'What we would like to do is extend it so that you've got to pay GST on your bank fees and charges, on your mortgage repayments.' We don't believe in increasing taxes on families and businesses in this state. That has always been our position and, as I said, it is one of the fundamental issues we took into the negotiation.

The GST carve-up has been the subject of negotiation at the federal level for quite some time. Those opposite have wanted to advocate for a GST that increases to 15 per cent or a GST that extends over to financial services, both options those opposite not only put forward but also advocated. They went around and met with other premiers around the nation saying, 'This is what we think is in the best interests of the people of our nation.' They actually advocated for it. That would have punished the people of South Australia.

We have heard no new position from the Leader of the Opposition, so we can only assume he is wedded to this idea of increasing the rate of GST, extending it onto financial services. We have heard nothing from him. He said he was out there listening to the people of South Australia. We call upon him to clarify his position. We don't want higher taxes in South Australia, but we do want to guarantee flow of GST and we don't want any changes that would disadvantage the people of South Australia. That is our position and we are sticking to it.

GOODS AND SERVICES TAX

Mr MULLIGHAN (Lee) (14:38): A supplementary: has the Premier been advised that the new regime delivers more GST revenue than the current GST distribution regime?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:39): I am sorry if I didn't answer that clearly in the last answer. I thought it was pretty clear.

Mr Mullighan: That's okay; you were too busy talking about a policy from many years ago—

The SPEAKER: The member for Lee is warned for a second time.

The Hon. S.S. MARSHALL: Obviously Kevin Naughton is writing questions for the member for Lee and he has written out the supps, because he read out the supp and the supp said, 'Is there an increase?' I provided that in my previous answer. I think most of us who were listening and those people at home on the broadcast—

The Hon. R. Sanderson interjecting:

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

The Hon. S.S. MARSHALL: —the tens of thousands who are tuned in to hear our every word today would all know that what has been put forward by—

The Hon. T.J. Whetstone interjecting:

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

The Hon. S.S. MARSHALL: —the federal Treasury's modelling shows a $257 million increase over and above what had been previously provided. It's a model. It's something that we are considering but, as I said, we haven't locked into it. That will be the subject of a negotiation which takes place, but that's what's on the table. That's what happens when you have a grown-up discussion with colleagues in Canberra. Let me tell you what would have happened if those opposite were re-elected on 17 March.

The Hon. S.K. Knoll interjecting:

The SPEAKER: The Minister for Transport is warned.

The Hon. S.S. MARSHALL: The entire negotiation would have taken place via the media. We do not believe that this is optimal. This was a complex negotiation, and so it is one that required respect. It required respectful negotiations on both sides. As I said, we were received in Canberra. We were able to state our case. Our Treasurer, the Hon. Rob Lucas, made it very clear when he met with all state treasurers and the federal Treasurer only two months ago—and I reported this to the parliament. I have kept the parliament informed—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —because it is a very important negotiation, probably the most important in the state's history. We made it very clear that we would not do anything that disadvantaged the people of South Australia. That's our position. What the federal government has offered is not only a protection for what is in the forward estimates but an increase of $257 million.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I think that was the member's question. I have answered it twice. I am happy to answer it a third time. It's your question time.

BARNGARLA NATIVE TITLE DETERMINATION

Mr DULUK (Waite) (14:41): My question is to the Premier. Will the Premier update the house on the recent Barngarla native title determination?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:41): It's disappointing again that those opposite don't want to hear about important matters—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. S.S. MARSHALL: —because the member for Lee has read about it in the paper. It shows the contempt and disrespect that those opposite have—

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

The SPEAKER: The Minister for Education is warned.

The Hon. S.S. MARSHALL: —for the people who have been fighting for native title for the better part of two decades. It has been a struggle. It has been an absolute struggle for the people who have taken—

Ms Stinson interjecting:

The SPEAKER: The member for Badcoe is called to order. Is the member for Lee interjecting while he is on two warnings?

The Hon. S.S. MARSHALL: —the extraordinary step of lodging a claim. It wasn't without quite a huge amount of work because there were those who decided to challenge their claim. People decided to challenge their claim.

Mr Mullighan: What, so you're talking about the treaty?

The Hon. S.S. MARSHALL: I'm talking about—

The SPEAKER: Premier, please be seated. Member for Lee, I'm sorry. If you interject again—you are on two warnings—you have been for some time; I will be asking you to leave shortly. Premier, please continue.

The Hon. S.S. MARSHALL: Thank you very much, sir. Yes, as I said, the Barngarla native title determination has now been granted and it is a very happy day for the people of the Barngarla nation, who reside in centres like Whyalla and Port Augusta and Port Lincoln and, in fact, it is a huge area that their nation covers. It was a great day last week to be in Whyalla where this momentous event was celebrated. More than 300 people were there. I was very happy to be there with the local member, the member for Giles, who was also celebrating with the local people, together with the mayors of both Whyalla and Port Augusta. People came from right over the state for this moment. In fact, people came from right around our nation to celebrate this because it was a struggle. It was a 20-year struggle for these people.

Three separate applications were made to the Federal Court. When it was handed down, it was a very happy moment for these people. I must, in particular, acknowledge the work of the Croft family, who lodged all three of the claims in the Federal Court. I would like in particular, to acknowledge the work of the co-chairs of the Barngarla Determination Aboriginal Corporation, Rod Wingfield and Emma Richards. Emma and Rod were both there. They both spoke. As I said, it was a very important time.

I would like to also say that we appreciated the representations that were made on the day from some of the artists from within the Barngarla community. I was particularly excited to see so many young people who were present at the celebration. In particular, I would like to acknowledge one person from the Barngarla nation who has achieved quite an outstanding success, and that is Rebecca Richards. In 2010, she was awarded a Rhodes Scholarship. In fact, she was the first Australian Aboriginal Rhodes Scholar, and she was from the Barngarla nation.

This was a great time of celebration. It has been a struggle. What I found quite emotional on the day was that many of the people who originally moved for this claim were no longer with us. So it was in some ways a day of celebration but also a day of sadness for many of the families of those who, because of the length of time for this determination to take place, were no longer there. I would like to acknowledge all the people who contributed to this application and I look forward to meeting with them on other visits to Whyalla.

AUSTRALIAN CRANIOFACIAL UNIT

Mr PICTON (Kaurna) (14:46): My question is to the Premier. Has the Premier had discussions with South Australian of the Year, Professor David David, about his concerns regarding changes that are being imposed on the world-renowned Australian Craniofacial Unit?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:46): Yes.

AUSTRALIAN CRANIOFACIAL UNIT

Mr PICTON (Kaurna) (14:46): My question is again to the Premier. Why is the unique multidisciplinary team of the Australian Craniofacial Unit being impacted by SA Health not reappointing a senior oral surgeon as at 30 June?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:46): I don't have that information with me. I think those concerns were made last week by Professor David. I am seeking an answer from the department and I will come back to you, but I was assured that a merit-based process was entered into for the head of that unit. I don't have any specific details, but I am happy to make further inquiries for the member and provide them to him as soon as possible.

AUSTRALIAN CRANIOFACIAL UNIT

Mr PICTON (Kaurna) (14:47): Supplementary: has the Premier been advised that the removal of this oral surgeon is causing disruption to the unit and impacting on patients?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:47): I can't add anything to the previous two answers that I have given. I have given a commitment to go and find out more details about it, but it's certainly not something that has been conveyed to me.

OLYMPIC DAM

Mr PATTERSON (Morphett) (14:47): My question is to the Minister for Energy and Mining. Will the minister update the house on the recent milestone for mining at the Olympic Dam mine?

The SPEAKER: Minister.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:47): Thank you, Speaker, and thank you—

Mr Koutsantonis interjecting:

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

The Hon. D.C. VAN HOLST PELLEKAAN: —to the member for Morphett for this question. BHP is one of our greatest corporate citizens in South Australia and perhaps one of the greatest Australian companies ever—an extraordinary company. The Olympic Dam mine, which the member for Morphett asked about, is going to celebrate its 30th year of operation this year. It was a resource that was found, I am told, reasonably accidentally or with a bit of luck back in 1975. The mine actually started operating in 1988, so of course it has now reached its 30th year.

It started with BP as a 49 per cent shareholder with Western Mining back in 1988. I remember working with BP Australia back then. Actually, 1989 I think was my first visit to Olympic Dam. But then of course, in 2005, BHP took over that mine and they have gone from strength to strength. Not only are they mining copper, processing copper, selling copper and contributing royalties to our state, but they are employing an enormous number of people. They are the largest employer, employing approximately 3,500 people directly in South Australia, which is a wonderful thing for our state. Members will remember, I think it was yesterday or the day before, me talking about the benefits of the mining industry for employment in South Australia.

I think there are 217 separate South Australian companies that provide services to BHP at Olympic Dam one way or another, which again is a tremendous employment and economic opportunity for us. It is not only the direct employees on the mine but it is the flow-through business. Speaking of flow-through business, the Premier mentioned a new building in the CBD. BHP are embarking upon a brand-new headquarters here in Adelaide. Their commitment to South Australia, not only at Olympic Dam but also to the state as a whole and here in Adelaide, is indisputable.

We are very fortunate to have BHP operating here in our state. They have a strong focus on safety with regard to the environment and with regard to people. They have a very large social and community responsibility with the operation of the Roxby Downs township, which members will know was built at the same time the mine was established and has, in its own right, become an important outback centre in South Australia.

Of course, as well as the 30-year anniversary, this year marks the transition from one asset president to another with the retirement of Jacqui McGill and the taking over of that role by Ms Laura Tyler, who I have not yet met. However, there is an appointment coming up very soon in my diary to meet with her, and I look forward to that. It will be tremendous to meet with her and see how she intends to continue the ongoing growth, particularly with the expansion in the southern mine area. It is also nice to be able to point out that, with Ms Jacqui McGill's retirement, the Premier has been able to second her as one of his six incredibly capable and incredibly prominent Economic Advisory Council members.

Mr Koutsantonis interjecting:

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

The Hon. D.C. VAN HOLST PELLEKAAN: So her contribution to South Australia continues to grow strong as well.

Members interjecting:

The Hon. D.C. VAN HOLST PELLEKAAN: The opposition may not care about BHP, may not care about Olympic Dam's celebration, may not care about the contribution that Ms Jacqui McGill continues to make, or that Ms Laura Taylor will start to make, but we do and we appreciate them.

AUSTRALIAN CRANIOFACIAL UNIT

Mr PICTON (Kaurna) (14:51): My question is to the Premier. Is it true that the Australian Craniofacial Unit will no longer be supporting any overseas humanitarian cases that have been a part of this world-renowned unit for the past 44 years?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:52): I just don't have that information with me at the moment. Again, like the previous questions, I am happy to—

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens can depart for half an hour.

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

The Hon. S.S. MARSHALL: —make an inquiry and come back to the member. Quite frankly, we have this new invention: it's called the telephone. The member could provide—

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. S.S. MARSHALL: The member could pick it up, give us a call and outline all these questions. We are happy to answer them. These are detailed questions—

Members interjecting:

The SPEAKER: The Premier is answering the question.

The Hon. S.S. MARSHALL: I am not the minister responsible. You are asking me as the Premier, but I am happy to follow them up.

AUSTRALIAN CRANIOFACIAL UNIT

Mr PICTON (Kaurna) (14:52): Supplementary: will the Premier ensure that humanitarian cases are dealt with by the unit in the future?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:53): I will take that question on notice and come back to the house with an answer.

FRUIT FLY

Mr CREGAN (Kavel) (14:53): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the house how the state government is putting measures in place to further protect SA's fruit fly free areas?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:53): With pleasure, I can announce to the house today that this government is putting biosecurity as one of the absolute platforms with primary production here in South Australia. Recently, when I attended the AGMIN in Brisbane, biosecurity was front and centre the priority with primary production right across this great nation. Here in South Australia, we have had a number of biosecurity issues in recent times.

In particular, a pre-election commitment was to install infrastructure that would protect our horticultural industry, and protect South Australia from fruit fly. For those who don't know about fruit fly, it is one of the most invasive insects in the world. Fruit fly has been detected on a number of occasions this year on the Far West Coast and in metropolitan Adelaide.

However, the jewel in our crown is that for horticulture here in South Australia, and particularly in the Riverland, we have a fruit fly free status. We also have area of freedom, which gives us a market advantage right around the world and in our export nations. It is also really important to note that it is our market advantage that gives us a premium price and gives us a reputation for presenting a premium product that is guaranteed not to contain any threat of fruit fly larvae or of that insect.

It is also important to note that, on Friday, I was up on the Wentworth Road to open up the 15th fruit fly bin on the border, to make sure that we put in place every measure we can. The commitment was that we would put two extra bins in place to protect the arterial roads leading in to the Riverland and to make sure that we protect that vital industry—$1.25 billion directly impacted by the threat of fruit fly.

There has never been more pressure put on our borders, particularly with fruit fly. With our lucrative markets, particularly in citrus and stone fruit, some of the world's best produce is under threat. Through PIRSA, Biosecurity SA has acted, in its entirety, to do an outstanding job here in South Australia and make sure that they put every measure in place to safeguard and ringfence the Riverland to make sure that the Riverland upholds its status of being fruit fly free.

It is also important to note that we have now put measures in place, alongside the $5 million government commitment to fight fruit fly. We have our Sterile Insect Technology Centre at Port Augusta, which is an absolutely outstanding centre which will soon be in full production. I was pleased to stand alongside the federal Minister for Agriculture, the Hon. David Littleproud, at Adelaide Airport to have one of the first aerial releases to help combat the outbreak in metropolitan Adelaide.

It is critical to understand that the Sterile Insect Technology Centre up at Port Augusta is just another tool that we are using to combat fruit fly. The bins are another great way for people to declare or dispose of fruit. It is also important to note that we are going to introduce education programs and new signage to make people aware of the importance of keeping South Australia, in particular, and the nation fruit fly free.

At the moment, South Australia is the east-west lens for biosecurity. We know that we have invasive pests coming across our borders. We know that when we protect our borders, putting good measures in place, it gives our country and our state the reputation that we need to grow our export markets, to grow jobs and to make sure that we protect our primary industries.

AUSTRALIAN CRANIOFACIAL UNIT

Mr PICTON (Kaurna) (14:57): My question is again to the Premier. Is it correct that decisions being made regarding changing the structure of the Australian Craniofacial Unit are now being made at a low bureaucratic level, not involving the Premier or the minister, and does that reflect that the service is no longer seen as a major statewide service centre of excellence?

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

The SPEAKER: The Minister for Education will not interject.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:57): I refer the member to my previous answer.

AUSTRALIAN CRANIOFACIAL UNIT

Mr PICTON (Kaurna) (14:58): Has there been a medical position at the Australian Craniofacial Unit that in recent months has been split into two positions, removing the combined adults' and children's aspect of the unit that have been part of its success?

The SPEAKER: Is this to the Premier, sir?

Mr PICTON: Yes.

The SPEAKER: Would you like to repeat the question, please? Thank you.

Mr PICTON: I will repeat it.

Members interjecting:

The SPEAKER: Order! The member for Kaurna will repeat—

Members interjecting:

The SPEAKER: Order! That is not an invitation to interject, members on my right. Member for Kaurna, please repeat the question to the Premier.

Mr PICTON: Thank you. My question is to the Premier. Has there been a medical position at the Australian Craniofacial Unit that in recent months has been split into two positions, removing the combined adults' and children's aspect of the unit that has been part of its success?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:58): I refer the member to my previous answer.

REGIONAL SOUTH AUSTRALIA

Mr TRELOAR (Flinders) (14:58): My question is to the Minister for Industry and Skills. Can the minister update the house on what action the state government is taking to increase employment, skills training and economic growth in regional South Australia?

The Hon. D.G. PISONI (Unley—Minister for Industry and Skills) (14:59): I have to say that I had a terrific week last week touring the regions. We know how important the regions are to South Australia. They contribute $25 billion to the state's economy, and 50 per cent of our merchandise exports come from the regions but they only have one-third of the state's population—an extremely good result for South Australia. Of course, those opposite didn't even recognise that the regions were there when they were in office.

The Hon. J.A.W. Gardner: They weren't very good.

The Hon. D.G. PISONI: No, they weren't very good at supporting the regions, and I got that loud and clear when I visited the regions last week. On Sunday, I visited Port Lincoln, and I thank the member for Flinders for setting up the appointments I had with Regional Development Australia and with the Port Lincoln Chamber of Commerce on Sunday. We got started early. I was so keen to get out there, I went out on Sunday—

Mr Duluk: After church.

The Hon. D.G. PISONI: —after church, yes, thank you, member for Waite. And then on Monday I was off to Whyalla, and I was fortunate to speak with industry and business leaders at two functions that were held at the Foreshore Motor Inn, as well as visiting OneSteel, Ottoway Fabrication, Whyalla Aged Care, BIS Industries, Career Employment, and I even popped into the TAFE campus. There is a great level of optimism in Whyalla—

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —about the policies—

Members interjecting:

The SPEAKER: Order! The minister will be heard in silence.

The Hon. D.G. PISONI: —and the enthusiasm that the new government has for regional South Australia and the policies that the new government has for business in general. I was really pleased to hear that OneSteel is aiming to double its production, and it won't need to invest one more cent into infrastructure in order to do that: it will be pure profit that will come into South Australia with the work that it does, and that will be exported, but it needs skills.

In Port Augusta, it was terrific to speak to industry about the opportunities in Upper Spencer Gulf. I met with Regional Development Australia Far North, the Bungala Aboriginal Corporation, Enel Green Power, Access Training Centre, Pacific National—and I was even promised a train ride on my next visit—and Sundrop Farms.

On Thursday, I flew to Kangaroo Island. It was great that I had a tour of the new Kangaroo Island airport, and I note that the Premier and the Prime Minister were there yesterday opening that. I met with the council. I spoke with many industry and community leaders, and I visited the Rabbit Warren Bakery, which is now for the first time considering employing an apprentice after hearing about the incentives and the program and the commitment this government has to training young people. They know how important it is to give opportunities to young people on the island.

I visited Mount Gambier on Friday. It was terrific to catch up with the member for Mount Gambier when I was down there—

The Hon. T.J. Whetstone interjecting:

The SPEAKER: The Minister for Primary Industries is warned.

The Hon. D.G. PISONI: —and, of course, it is important to recognise that these industries are very, very enthusiastic about taking on trainees and apprentices under the government's new plan.

AUSTRALIAN CRANIOFACIAL UNIT

Mr PICTON (Kaurna) (15:02): My question is to the Premier. Following his discussions with Professor David David, does he stand by his comments to this house that he has not been advised of concerns regarding disruptions to the unit and the lack of international humanitarian cases?

The Hon. J.A.W. GARDNER: Point of order: the member has actually just repeated the question from three questions ago.

The SPEAKER: Would the Premier like to answer the question?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:03): It's an interesting line of questioning that we are getting from the opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —today, sir. What it really shows is that they have run out of questions because—

Members interjecting:

The SPEAKER: Premier, please do not provoke the opposition.

The Hon. S.S. MARSHALL: We know they had run out of questions quite some time ago, but the member for West Torrens was back here yesterday. He asked a series of questions. He had lots of questions. Unfortunately, he's not asking any questions at the moment. In fact, the Leader of the Opposition—

Mr PICTON: Point of order.

The Hon. S.S. MARSHALL: —didn't get an opportunity to ask—

The SPEAKER: There is a point of order, Premier.

Mr PICTON: Point of order: this is debate and clearly disrespectful to the Craniofacial Unit.

The SPEAKER: Debate—98, debate. Premier, could you—

Members interjecting:

The SPEAKER: Members on my right will be quiet. Would the Premier like to please keep his answer to the substance of the question.

The Hon. S.S. MARSHALL: Well, it's interesting, sir, because those opposite keep asking questions, detailed questions, about the Australian Craniofacial Unit—

Members interjecting:

The SPEAKER: Order! We are now talking about the association. This is relevant.

Members interjecting:

The SPEAKER: Members on my left, the Premier will be heard in silence.

The Hon. S.S. MARSHALL: I'm getting people screaming at me. I have to be careful what I say in the parliament now. They have been screaming at me again.

Members interjecting:

The SPEAKER: Order, members on my left! The Premier will be heard in silence.

The Hon. S.S. MARSHALL: Well, I've got my happy face on. Anyway, there has been no meeting with Professor David.

Mr Duluk interjecting:

The SPEAKER: The member for Waite is warned.

The Hon. S.S. MARSHALL: The Deputy Leader of the Opposition seems to—

Dr Close interjecting:

The Hon. S.S. MARSHALL: No. The Deputy Leader of the Opposition seems to have some information that I'm not aware of.

Dr Close interjecting:

The SPEAKER: The deputy leader will not interject.

The Hon. S.S. MARSHALL: I can't remember meeting with Professor David. I've spoken with Professor David, and I made a commitment to find out some detail regarding the issues that he raised. They were genuine concerns—

Dr Close interjecting:

The SPEAKER: The deputy leader is called to order.

The Hon. S.S. MARSHALL: They were detailed issues that he raised. He had very genuine concerns. I made it clear that I would seek a briefing from the department. I had given him some preliminary advice last Thursday that I had seen some advice from the department that said that a merit-based selection process had been undertaken. I had conveyed that to Professor David. I'm still making further inquiries, which I've also conveyed to Professor David.

The detailed questions being asked at the moment are questions that I am very happy to take on notice. In fact, I have made the offer to the member opposite to write down a list of every single question he can possibly dream up on this issue. We are happy to answer them. We have nothing to hide, nothing to hide whatsoever, but I don't know the answer because I'm not the health minister. Unlike what the deputy leader is asserting to the house, I haven't met with Professor David on this issue. The reality—

An honourable member interjecting:

The Hon. S.S. MARSHALL: Well, changing position. The reality is that we will come back to the house, but the other reality is that they have run out of questions because, if they hadn't, they would move on to another topic—

The SPEAKER: Is the Premier finished?

The Hon. S.S. MARSHALL: —which would be of interest to the people of South Australia, rather than taking up the generous offer I have provided to those opposite to collate all the questions they have. There may be some others. I think the deputy leader wants to ask some questions as to whether or not there was an actual meeting or a telephone conversation. She's getting confused. I'm happy to answer all these questions. Just get them down to us, and we will provide them to you as quickly as we possibly can.

The SPEAKER: Thank you, Premier. The Leader of the Opposition.

POLICE STATION OPENING HOURS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:07): My question is to the Minister for Police. Will the minister reaffirm his commitment to extended police station hours staffed by active sworn SAPOL officers?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:07): I thank the inquisitive member for his question yet again. He is very inquisitive. He keeps going with the same question, and I will keep giving him the same answer. We made a commitment at the election. The communities around Henley Beach, Glenelg and Norwood were very grateful for that commitment, and we look forward to delivering on that commitment.

As we know, today the district police model rolls out. It's a model that SAPOL have put in place to improve safety in the community, and we will make sure that is the outcome the community receives. I know the program was put in place whilst those opposite were in government. I know that, like us, they want to see a safe community. In fact, I get the essence that we want to see it a little bit more than them when I look at the policies we have rolled out.

As I have said to this house a hundred times over—and the inquisitive member on the other side asks about it again—we will be extending the police opening hours at the Henley Beach Police Station, the Norwood Police Station and also the Glenelg Police Station. What we understand in this day and age, and again with the district policing model—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —that is moving in a more technologically advanced manner—

Mr Brown interjecting:

The SPEAKER: The member for Playford is warned.

Mr Duluk interjecting:

The SPEAKER: The member for Waite is on two warnings.

The Hon. C.L. WINGARD: Society as a whole is moving in a more technologically advanced manner. I look at my family. My kids in their late teens and early 20s are far more tech-savvy, perhaps, than I am, but I am probably a few steps ahead of my mum. On this side of the house, we

know we need to take the whole of society with us. We are not just going to shut down a group of people and say, 'No, we're not giving you services.' We're about better services here.

Members interjecting:

The Hon. C.L. WINGARD: I'm getting direction and advice from the Leader of the Opposition.

The SPEAKER: Order, members on my left!

The Hon. C.L. WINGARD: I want to clarify that I won't be taking advice, as I said before, from a union hack.

Mr Brown interjecting:

The SPEAKER: The member for Playford is on two warnings.

The Hon. C.L. WINGARD: We can go back over the history of what those on that side of the house delivered for South Australia. We can talk about their Transforming Health policy. We can talk about their horrendous record in child protection. In 16 years, they spent millions—

Members interjecting:

The Hon. C.L. WINGARD: I hear the member for Lee chipping away over there, and I think back to his role in the job—spent millions of dollars and couldn't get a tram to turn right. That's his contribution to this place. Not to mention the highest youth unemployment—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —in the nation. As we look back at what those on that side of the house delivered for this state, we can't forget Oakden. We can't forget Oakden. That's what they delivered, but they have the hide to—

Members interjecting:

Mr MALINAUSKAS: Point of order, Mr Speaker: debate.

The SPEAKER: Point of order: 98.

Members interjecting:

Mr MALINAUSKAS: Point of order: relevance, Mr Speaker.

Members interjecting:

The SPEAKER: The member for Waite can depart for half an hour under 137A.

The honourable member for Waite having withdrawn from the chamber:

The SPEAKER: Is the Minister for Police—

Members interjecting:

The SPEAKER: The member for Reynell is called to order. Minister for Police, I ask that you please keep to the substance of the question.

Members interjecting:

The SPEAKER: Order! Thank you, Minister for Police. Please complete your answer.

The Hon. C.L. WINGARD: Thank you, Mr Speaker, I do appreciate that. I was talking about—

Members interjecting:

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

The Hon. C.L. WINGARD: —our policies in contrast to policies that they've delivered.

The Hon. A. Piccolo interjecting:

The SPEAKER: The member for Light, please do not interject, sir.

The Hon. C.L. WINGARD: What we do know is that those opposite did exactly as the Minister for Education said: they closed police stations. They closed police stations and we want to keep them open so that people—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: The Premier is warned. The Minister for Industry is called to order. The Deputy Premier is called to order.

The Hon. C.L. WINGARD: Thank you, Mr Speaker. I will conclude by reiterating the point that we understand there's a move in technology in this state. We understand younger people are getting more and more advanced, but we're not going to leave people behind, and we are going to reopen those police stations.

The SPEAKER: The minister's time has expired. Member for Mount Gambier.

SPEED LIMITS

Mr BELL (Mount Gambier) (15:11): My question is to the Minister for Transport. Can the minister now inform the house when the speed limits on the Carpenter Rocks and Port MacDonnell roads in my electorate will be increased to 110 km/h?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:12): All in good time, member for Mount Gambier.

The SPEAKER: Supplementary?

SPEED LIMITS

Mr BELL (Mount Gambier) (15:12): My question is to the Minister for Transport. On 16 May, some 50 days ago, the minister came back with an answer of:

> …I look forward to being able to give a more specific answer to the member…when this promise will be delivered.

When will the minister be able to give that answer?

Members interjecting:

The SPEAKER: The Minister for Primary Industries and the member for Kaurna will stop sparring verbally. Minister.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:12): I thank the member for Mount Gambier for his question and note his ongoing, consistent and unrelenting interest in this matter. Just to point out to the member that there is a budget process that is going on, on 4 September the budget does get handed down—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —and I look forward to being able to report back to the house, and to him personally to let him know about when this commitment is going to be delivered.

POLICE STATION OPENING HOURS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:12): My question is to the Minister for Police. Does the minister back police and agree with the acting police commissioner that extra police officers should be on the front line and not behind desks?

The Hon. J.A.W. GARDNER: Point of order, sir: explanations can only be introduced to questions with the leave of the house. No leave was sought; the question is therefore out of order.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: We can provide an instruction manual to the Leader of the Opposition.

Members interjecting:

The SPEAKER: Order! I will listen to the question. There are three minutes left. Would the leader like to rephrase the question?

Mr MALINAUSKAS: I'm happy to rephrase the question.

Members interjecting:

The SPEAKER: Order! There are three minutes left. It's your question time.

Mr Mullighan interjecting:

The SPEAKER: Member for Lee, it's your question time. There are two minutes now left. Leader of the Opposition.

Mr MALINAUSKAS: I'm happy to rephrase, Mr Speaker. My question remains to the Minister for Police. Does the Minister for Police back police officers being on the front line rather than behind desks?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:13): I thank the inquisitive member again. Whilst he again continues to ask the same question, I will give him the same answer because things don't change.

Members interjecting:

The SPEAKER: The minister will be heard in silence. The Minister for Police has the call.

The Hon. C.L. WINGARD: Again, the Leader of the Opposition wants to yell and scream and carry on and give stare downs, and I understand that, I am going to be abundantly clear.

Members interjecting:

The SPEAKER: Allow the minister to be heard in silence. The minister has the call.

Members interjecting:

The SPEAKER: The member for Reynell will cease interjecting please. Let's hear it.

The Hon. C.L. WINGARD: The member for Elizabeth interjects. He always gets bumped out of all of these questions. I'm not sure why. But I appreciate the Leader of the Opposition coming to me with this question and again the answer is this: today is the day that police roll out their district policing model, and we are supportive of the police district model. We want to make sure that it keeps people safe and we will work with the commissioner to make sure that it has the outcomes that all South Australians want.

But on top of that—let me reiterate that point: on top of that—we are going to be extending police station opening hours and we are going to do it in Norwood and in Glenelg and also in Henley Beach. So what we are saying is that the services that are there will continue. Let me be clear because—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. C.L. WINGARD: —for some reason, you can be given the title of opposition leader but still not be very smart. So let me be clear. We are going to deliver the model that they wanted put in place and we are going to add to that extra resources to deliver police stations opening for a few more hours. People are appreciative of that. People want that service. We are making sure that people across the board are being taken forward.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: I hear the cackling from the other side of people who want to close police stations. They don't want to give better services to South Australia and they should be ashamed. They should be ashamed because on this side of the house we want to give better services. We want to give more jobs and lower costs—a commitment we made—but they cackle away and they cackle away—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —as we get about delivering for the people of South Australia. I look forward to doing that and the people of South Australia look forward to receiving better services.

Grievance Debate

WOMEN IN SPORT

Ms WORTLEY (Torrens) (15:16): Sporting clubs provide the basis for bringing communities together, providing opportunities to compete in healthy competition, to exercise and to socialise. Today, tens of thousands of girls and women are registered to play a sport across our state, and numbers playing traditionally male-dominated sports are rapidly growing.

Through our South Australian Women in Sport Taskforce, the former Labor government led the way in ensuring that girls and women are equal participants in all aspects of sport in South Australia, and we had significant momentum towards achieving gender equality in sport. With the increase in participation by women and girls has come the need for suitable facilities, in particular female change facilities.

In government, Labor recognised and responded to this increasing need and delivered opportunities across the state for local clubs to build such facilities, enabling grassroots sports to flourish. We boosted participation, providing more sport changing rooms for girls and women. This is because Labor believes that girls and women who play sport in South Australia should have access to the same level of facilities as boys and men. With the growing interest of women in sport locally in my electorate of Torrens, sporting clubs are developing female participation programs for juniors through to senior competition.

Australian Rules football is a name synonymous with Australian culture and our national identity. It is men who have traditionally played the sport that so many men and women hold dear—the sport that rules and divides our workplaces and sometimes even our lounge rooms. Recent years have seen great progress, with women and girls playing Aussie Rules at a local, state and national level.

At Gaza Sports and Community Club, the Gaza women's football team, only in its second year, fought their way to the top of the ladder, taking out the holy grail, the premiership, last year. The number of women on the player list has grown considerably, with the vision for adding another women's football team. At the junior level, Gaza currently has two girls' teams in the competition and the club is also exploring a women's cricket team and a girls' Twenty20 rules cricket team.

Having female change rooms and other facilities at our sporting clubs sends an important message to women and girls. It sends the message that they are welcome in a sport and that their club's culture is one that will facilitate their participation. Labor made an election commitment of $500,000 for female change facilities for women and girls to Gaza Sports and Community Club—infrastructure where they can change on match day and at training sessions, as the boys and men do.

I would like to put on record that, along with members of the club, I look forward to the new Liberal government following through with their election promise to match Labor's $500,000 commitment for female change facilities at Gaza Sports and Community Club. This type of investment in women's sporting success will pay dividends into the future, setting up young girls and women for sporting success.

Gaza women's football team is an amazing team, captained by Peita, vice captained by Kelsey, assisted by the leadership team of Mel, Crystal Lim and Tash, and players Tanya, Lydia, Kelsey, Joy, Hayley, Louisa, Brigette, Elisabetta, Jessie, Bonnie, Stephanie, Eviie, Melissa, Shondell, Georgia, Peita, Marni, Natasha, Madison, Colleen, Dulcie, Rachel, Crystal, Lliana, Danielle, Keiren, Amy-Rose, Chelsea, Denni, Jaimi, Larisa, Imogen, Anna, Keleia, Amayia and Jovanka. The club is looking forward to what we hope will be an election promise that is kept by the current government.

I would like to acknowledge the hard work and the dedication of president, Gary Marshall; vice president, Ellis Burchell; senior football director, Renato Tudorovic; junior football director, Natasha Jenke; and cricket director, Pete Ellis. I, too, acknowledge, the commitment of the women's team coach Kim Knevitt, assistant coaches Shane Knevitt and Paul Hamilton, and team manager Sonja Knevitt; in the under-12 team, coach Paul Mellish and team manager Tracey Wade; and in the under-14 team, coach Troy Harvey and team manager Kerrie May.

I make special mention of players in the under-12 team: Jaime, Kira, Kate, Klana, Elisha, Jessica, Kirsten, Mackenzie, Maddalyn, Mirakii and Taylor; and in the under-14 team, Tori, Jasmine, Elaine, Evie, Shykoda, Shallen, Raquelle, Stephanie, Stella, Lauren, Rhiannon, Renie and Lara.

OAKLANDS PARK RAIL CROSSING

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:21): I rise today to speak on the Oaklands crossing grade separation and what it means to the community in my electorate and to those who pass through. There has been a lot of hard work to get to this point, and I cannot tell you how much it means to my community that this project is finally happening. It has been fantastic to deliver this alongside my federal colleague, Nicolle Flint.

I first started the Fix Oaklands Crossing campaign in 2014, before I was elected. I held regular forums and listening posts, where members of the community could personally let me know their problems with the crossing. They were also able to sign up to the fixoaklandscrossing.com.au website to receive updates on the campaign, and now they can sign up to that website to receive regular updates on what is happening with progress. Members in this place will be aware of the long-running Fix Oaklands Crossing campaign. Because of the tireless work of the community in which I live, which has been championing to fix this nightmare intersection, I am excited to let you know that works are well underway to fix Oaklands crossing.

In the previous parliament, I moved a motion on the Oaklands crossing, calling on the government to commit to a solution. I was joined in the chamber by Oaklands crossing champions, Ron Leak and David Woodifield, who have volunteered their time to campaign tirelessly for this upgrade. We achieved our goal, with big thanks to the federal member for Boothby, Nicolle Flint, who managed to kick this off with a $95 million commitment. It was this instigation that led to the solution that we are seeing unfold today.

My office and I are now committed to keeping the community up to date and informed about the Oaklands crossing updates, as I said, sending out regular emails to thousands of people who have joined the cause. These updates are also a great way for the community to let me know how they are finding the project and what concerns they have going forward. We know that there will be disruptions through this process, and we know that it will not be ideal. But we know that, together, the community will get the outcome that they have been asking for and that they deserve.

I have heard from residents from the Warradale and Oaklands Park area who tell me this has been a problem since the 1950s and 1960s, since they first moved in. They hoped it would be fixed sooner rather than later. They have been waiting for 60 years, and they look forward to the project being completed and understand that we will have to go through some hard times to get there—but they are excited with the outcome.

Rick, who lives at O'Halloran Hill, emailed me to say, 'I rode my pushbike over [the Oaklands crossing], for the first time, in 1960.' He will be very pleased to drive over it when it is completed. Lynette from Oaklands Park said she had waited 50 years for this to happen. She has lived in Oaklands Park her whole life and finally she will get to see the traffic flow, and she is so grateful for the hard work of the team that has worked on the Fix Oaklands Crossing campaign. I thank Lynette for her support.

We have also had some localised issues. The Vietnam Veterans are moving out of their facilities, which are right alongside the Oaklands Crossing, for this project to go forward. That took a lot of work, and I commend the Minister for Infrastructure, who worked closely with me and with the Minister for the Environment (member for Black), as well as the member for Elder. The federal member, Nicolle Flint, was also very involved in finding them a new home, and I am very excited to say that, with some great work from the Vietnam Veterans Federation's Bob Ellis OAM and Marion RSL president, Trevor Chapman, collectively we came up with a solution that will see them eventually step into a new home at the Marion RSL site. That will see those two bodies come together, and that is outstanding. Again, I thank the Minister for Infrastructure for helping with the funds to enable that move.

There has been a lot of talk about trees, and we have worked very closely with the group doing this project as well as the Minister for Transport. We know that people are very passionate about trees. The name is Oaklands Park, and people love the trees in the local area. We have gone to great lengths to make sure that what we achieve here is as minimum disruption as possible to the trees in the local area. Because the project is being built offline we understand that a few trees will have to be removed, and we have conveyed this to the community. We have had a lot of dialogue with the community to make sure that people know what is happening and why.

Although I think about 30 trees will be removed, people are very aware that they are not historically significant. They know the reason why and, because of the benefits of the outcome, holistically people are accepting of this. We have also committed to planting hundreds more trees to replace the ones coming down, so when the project is all said and done the park will very much be maintained. That is a very key focus.

We are also working on car parking. The previous government was not going to increase car parks by any number, but we are committed to growing the number of car parks around the Oaklands Crossing—and I will have more to say on that. I thank everyone involved with our Fix Oaklands Crossing campaign. We will continue to work with them as we deliver on this great project for our community.

COMMISSIONER FOR KANGAROO ISLAND

Mr BIGNELL (Mawson) (15:27): I rise today to talk about a wonderful part of the world, Kangaroo Island. I was there yesterday for the fourth time in the past four weeks for the opening of the brand-new airport, the $18 million airport that was jointly funded through $9 million of state government money and $9 million from the federal government.

That was $9 million committed when we were in government here in South Australia, and I want to thank the then premier (member for Cheltenham) and the then deputy premier (member for Enfield), in particular, for the hard work they did to make sure we had that money to turn this airport into a world-class facility that matches the fantastic physical and natural attributes of Kangaroo Island as well as the wonderful produce that comes from that part of the world.

The people of Kangaroo Island are very upset about the new government's decision to get rid of the Commissioner for Kangaroo Island. This is an incredible position, and it is probably the first time anywhere in Australia that a position like this has been established. It was established by our government because Kangaroo Island is a place with 4½ thousand people and 4½ thousand square kilometres, which has its own challenges. There is a great, resilient community there, both the business community and the wider community, which gets on and gets the job done despite the tyranny of distance and the water crossing. However, they did need a hand in terms of having their voice heard at a state and, indeed, a federal level, so after lots and lots of consultation the Kangaroo Island commissioner was established.

The Liberal Party made it an election promise to get rid of the commissioner if they were to form government. Of course, that happened on 17 March and that concerned a lot of people on Kangaroo Island, a lot of traditional Liberal voters. They wanted me to go in and sign a document they were preparing to send to the new government. I said, 'It's probably not the best thing to have my name on it, but I'll work quietly behind the scenes and just talk to members of the new government and ask them why they don't just give it a chance and see how good it is, because when you are in opposition things can look different to when you actually get into government, and I think the

establishment and appointment of the Kangaroo Island commissioner has been a fantastic thing for Kangaroo Island.'

But the Liberals have pressed on with it and announced last week that they are going to get rid of the commissioner in September this year. I think that is a really negative step. I had explained that too quietly because, as I have said from the outset, I want to fight for people, not with people. I want to do it the right way. I do not want to play politics with this, I just want her to get out there and do the right thing by Kangaroo Island. By getting rid of the commissioner, there are only losers.

The people of Kangaroo Island are losers, the businesses of Kangaroo Island are losers, the government—whoever is in government—are losers, but the Liberal Party are really big losers as well. In fact, there is probably only one winner in all this, and that would be me. But I do not want to win, I really do not want to win. I would rather see the commissioner stay in place. A letter was sent to the Premier, signed on behalf of 350 businesses on Kangaroo Island in industries as diverse as farming and food production, accommodation providers and commercial artists, and it includes myriad small and micro businesses in retail, trades and services.

These people all want the commissioner to stay in place. What we heard last week when there were a few Liberal members of parliament on the island and what we heard yesterday from the Premier was that if we do it for Kangaroo Island, then what about Port Lincoln? What about Mount Gambier? What about these other places? It is a little bit like saying if one part of South Australia has running water, no other part of the state is allowed to have running water. How about we get a commissioner for Mount Gambier who can perhaps bring both sides of the border together, who consults with the Victorian government and the South Australian government? How about we get someone along the river?

What I was really upset with yesterday, and a lot of people on the island were upset with this, is that the Premier went over there as part of the opening ceremony for the new airport and a very well-respected long-term Liberal voter went up to the Premier and said, 'I hope you are supporting the Commissioner for Kangaroo Island. She does a great job.' He was not offensive in any way, yet the Premier demanded an apology. This man asked some other people around, 'Was I offensive to the Premier?' and they said, 'No, you weren't.' But he said, 'I went up and apologised to the Premier because I had to put the interests of my community ahead of my own thoughts.' He is pretty ropeable with the Premier, he is pretty ropeable with this new government, and I have to say that a lot of people on Kangaroo Island are very upset.

I urge the government one more time, publicly this time, to please retain the Commissioner for Kangaroo Island. She has done an amazing job to help grow a wonderful part of the world, and I think she should be allowed to continue on for many years to come.

TEA TREE GULLY VOLLEYBALL ASSOCIATION

Ms LUETHEN (King) (15:32): I rise today to talk about the Tea Tree Gully Volleyball Association and the wonderful work they do contributing to fun, fitness and community wellbeing in King. I would like to begin by thanking the committee of the Tea Tree Gully Volleyball Association for having me along on a Saturday morning recently to open their tournament to celebrate their 40th year club anniversary. Thank you to the committee for showing me around, highlighting the high standard of competition and for spending time with me to explain their association and to introduce me to every member of the committee. I felt very welcome and I look forward to visiting again.

Thank you to Matt Cook, who is the social media and marketing coordinator on the committee, for providing me with detailed information of the competition. Each night there are around 38 teams competing across five grades of competition. The volleyball association runs each season for around 12 to 14 weeks and the only break they have is during the Christmas and new year period. The Tea Tree Gully Volleyball Association was established in 1978, thanks largely to the work of David O'Brien and Karl Richter. Both David and Karl have been part of the team that formed the North-East Hills Sporting Association.

The association has played in many venues over the years before making a permanent base at the larger Golden Grove Recreation Centre to accommodate the association's growth. This is, of course, in King. More details of the history and the people involved in this association can be found on their website, which I must say, due to the work of the volunteers, is one of the best sporting club

websites that I have come across. Over the past 10 years, the association has sent teams to compete in annual regional tournaments to Port Augusta and Port Lincoln. The members have always enjoyed the opportunity to attend these trips which gives them a chance to mix with fellow volleyballers from all around the state.

With 2018 marking the 40-year anniversary of this association, the committee decided that they would run their own mixed social tournament over the June long weekend and invite the regional associations to participate to help celebrate the milestone. On Saturday 9 June, at the tournament the regional areas had 12 teams in competition, made up of players from Port Augusta, Port Lincoln, Roxby Downs, Port Pirie and Whyalla, along with five teams made up of players from the Tea Tree Gully association.

After the tournament, on Saturday night a dinner was held at the nearby The Grove for all competing players, with over 100 people attending that dinner. This gave everyone a chance to relax, mingle and discuss all the action from the day. The Eyre Peninsula Pirates, with players from Port Lincoln, Roxby Downs and Whyalla, beat one of the Tea Tree Gully teams in the division 1 final, while another Tea Tree Gully team defeated Port Lincoln to win the division 2 final.

Chris McHugh, the 2018 Commonwealth Games beach volleyball gold medallist, was on hand to help present the prizes to the winning teams. The tournament games were played in great spirit, with some very competitive volleyball on display. The tournament was a huge success and the association has had lots of positive feedback from its own members and members of the regional associations.

I remind all clubs and community groups that the City of Tea Tree Gully offer community grants, and a new round for these grants has just opened up for clubs to submit applications for new equipment. I did raise with the City of Tea Tree Gully that the Tea Tree Gully Volleyball Association would like some of their balls that get hit up in the rafters back the next time they are tidying up. Mr Speaker, thank you for the opportunity to speak about the Tea Tree Gully Volleyball Association today.

BUILDING BETTER SCHOOLS PROGRAM

Mr BOYER (Wright) (15:36): I rise today to speak about the previous Labor government's Building Better Schools program, which is a topic I have already spoken about in this place. The Premier wrote to a school principal in his seat of Dunstan in November 2017 advising the school that, if elected, a Marshall Liberal government would honour the funding commitment made to that school by the Labor government in full.

The Premier went on to say—and I am pretty sure this is something he might regret now—that he encouraged the school to 'use this funding on a project that will best suit the needs of your school, regardless of the recommendation provided by the Department for Education'. I wonder, did other schools get the same letter from the then leader of opposition or was this kind of latitude only extended to schools in the electorate of Dunstan?

What I can say is that schools that were beneficiaries of the Labor government's Building Better Schools program in the north-east have not had such benevolent treatment from the Premier or the new Minister for Education. Take, for example, The Heights School in Modbury Heights in the seat of Wright. Significant upgrades have taken place at The Heights School over the past 10 years: a new preschool was built in 2008; the front office, administration services, library and some classrooms also received significant refurbishments in 2009; and the primary school and middle school buildings received upgrades in 2010 and 2012 respectively.

The school is currently undergoing significant upgrades to the tech, science and arts buildings as part of the previous Labor government's STEM program. This $3.5 million upgrade will be completed later this year, and I am very much looking forward to seeing the students in these new state-of-the-art facilities. Most recently, as part of the Building Better Schools program, The Heights was awarded $10 million, and it chose—and I stress that it was the school itself that made this decision—to build a new gymnasium.

If one were to use the laissez-faire guidelines knocked up by the member for Dunstan literally on the back of envelope, The Heights should be free now to make their dream of a new gymnasium

a reality, but not so. In fact, it looks as though the new Liberal government has already started the kind of penny-pinching from public education that it is renowned for. In order to top up the grossly underfunded transition of year 7 into high school, the Department for Education is writing to school principals, at the behest of the Minister for Education, to inform them that any student capacity issues created by moving year 7 students from primary school to secondary school must be funded out of the Building Better Schools grant.

The school is then free to use what money remains to build the capital project for which the money was actually intended in the first place. What we know for certain is that The Heights will not get the gymnasium it wanted, but instead it will get the best gym that they can afford once they have paid the year 7 into high school levy to the Minister for Education. What a generous government we have.

The Heights is not the only school in the north-east having its pockets picked. Golden Grove High School was also awarded $10 million under Building Better Schools. The school decided to spend that grant on a performing arts centre. Golden Grove High School is a very large and very well respected school. Forecasting suggests that the school will have around 170 additional students enrolled once the transition from year 7 into high school is complete. In a recent school newsletter, it was stated the new education minister had written to the school advising them that their funding was not going to be taken away, but the fine print was that it was now contingent on future enrolment expectations.

This is some incredibly glib language from the new Minister for Education. The education department and its minister are well aware of the enrolment pressures that year 7 into high school will bring to bear on Golden Grove High School. So to say words to the effect of, 'You can keep your $10 million, apart from whatever it is that you need to spend to be able to handle increased capacity owing to moving year 7 into high school,' is very disingenuous indeed.

What we will see is another example of a school having the scope of its projects scaled down to accommodate an underfunded Liberal election commitment. I cannot help but wonder what these capital projects will look like when they are actually finished and when the new government has finally stopped using these schools as its own private piggy bank. In fact, it reminds me of a famous scene from the movie *Zoolander*, when Derek sees the model for the Center for Kids Who Can't Read Good And Wanna Learn To Do Other Stuff Good Too for the first time. I cannot help but wonder if the students of Golden Grove High School and The Heights School will not echo the words of Derek Zoolander when their new gym and performing arts centres are finally finished and say, 'What is this, minister—a centre for ants?'

BROWN, SENIOR SERGEANT PETER

Mr BELL (Mount Gambier) (15:41): I rise today to acknowledge the outstanding career Senior Sergeant First Class Peter Brown APM, who will close the chapter on a 41½-year career with the South Australian police force tomorrow, Friday 6 July 2018. Senior Sergeant First Class Peter Brown joined SAPOL in 1976 when he undertook training in Adelaide at the residential Fort Largs Police Academy. During his career, he has served as a general duties patrol sergeant at Victor Harbor, Murray Bridge, Naracoorte and also had postings at Mount Gambier and Peterborough.

Since 2011, Senior Sergeant First Class Peter Brown has been in charge of the Millicent Police Station, which is situated 50 kilometres north of Mount Gambier. The Millicent Police Station also covers five outstations at Beachport, Robe, Kingston and Kalangadoo, covering a significant area in the regional Limestone Coast. One of Senior Sergeant First Class Peter Brown's achievements during his time at SAPOL was the instigation of the first Rural Watch in South Australia at Peterborough, an important group active in rural South Australia that can act as the eyes and ears of the police in isolated areas, reporting on issues ranging from stock theft or suspicious activities on rural properties.

Fatal motor vehicle accidents are a difficult aspect of working in SAPOL, and in regional areas this is often intensified for attendees to motor vehicle crash scenes, as sometimes the victim is from the close-knit regional community. Senior Sergeant First Class Peter Brown was often

instrumental in arranging counselling, not only for families affected by road tragedy but also for emergency personnel who attended the scene.

He has a wealth of knowledge on law and procedures, making him a highly valued source of information and professional guidance for other members within the force. In particular, he has been an outstanding advocate for the mental health of his fellow officers and has shown true leadership in recognising and seeking help for others who are experiencing mental health issues. Senior Sergeant First Class Peter Brown would go as far as to even drive fellow officers to their mental health appointments to ensure they received the help they needed.

Senior Sergeant First Class Peter Brown was recognised for his outstanding service and was awarded the Australian Police Medal in the Queen's Birthday Honours in 2017. The award also acknowledged the support he has provided to various road safety committees and support groups over a 20-year period. More recently, Senior Sergeant First Class Peter Brown has participated in methamphetamine forums that have been held across the Limestone Coast.

True to the gentleman that he is, Senior Sergeant First Class Peter Brown described the Queen's Birthday Honours as a humbling experience. On 2 August 2017, Senior Sergeant First Class Peter Brown was awarded the South Australian Police Service Medal in recognition of continuous, completed, diligent and ethical service to the South Australia Police over 40 years. Senior Sergeant First Class Peter Brown has been such a positive role model that his daughter and son-in-law have also followed him into the police force.

In his retirement, Senior Sergeant First Class Peter Brown is looking forward to having more time to devote to his passion of horse racing—a passion which I share—and hopefully win a few races. He is also a passionate Port Adelaide Football Club supporter, and his retirement will allow him more opportunities to attend more Port Adelaide games and hopefully watch Port Adelaide in the finals this year. Next Saturday, family and friends, the Minister for Police and our federal member will join Senior Sergeant First Class Peter Brown to celebrate his outstanding 41½ years' service and congratulate him on his outstanding career.

Finally, I take this opportunity to acknowledge the support that his wife, Gill, and family have provided him during his career. On a personal note, I wish Peter all the best in retirement. He has been a wonderful advocate for our region, a personal friend of mine and somebody you can rely on. Our community has had very good service from Peter, so all the best in your retirement, Peter.

Bills

JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 6.

Ms COOK: In regard to clause 6, can the minister clarify whether this amendment enables the Judicial Conduct Commissioner to use both ICAC and OPI staff?

The Hon. V.A. CHAPMAN: Yes.

Ms COOK: Are there any resourcing implications or savings regarding this that you are aware of?

The Hon. V.A. CHAPMAN: Not that we are aware of. Questions were raised at the time of the appointment of the Judicial Conduct Commissioner, and you will see from the annual report that certain personnel are allocated for that purpose. It is a digital space type operation to the extent that complaints are lodged and reviewed online, so certain personnel need to be both skilled and trained to manage those complaints and investigate them. To date, I have not received any further indication that the current resources in respect of this job, onerous as it was and clearly acknowledged to set up the protocols and processes for its implementation, are not sufficient to cover the current one.

Mr GEE: What happens when the Judicial Conduct Commissioner is not also the ICAC commissioner?

The Hon. V.A. CHAPMAN: At the moment, the commission is the appointment as per the Governor's appointment, and there is no reason why the commissioner for judicial conduct has to be the same as the Independent Commissioner Against Corruption. It happens that the former government requested the Governor to appoint the same person for each of those roles, but the acts stand independently and they are able to operate independently. Should that occur in the future, then there may need to be a question about where that would operate from and whether resources need to be separated and/or applied for.

Clause passed.

Clause 7 passed.

Clause 8.

Ms COOK: How many complaints would fall into the category of complaints that would be dismissed without conducting a preliminary investigation or examination?

The Hon. V.A. CHAPMAN: I do not have that data immediately before me, but just let me quickly look at the annual report of what we do have to date. I am advised that the lack of preliminary examination is a new initiative and therefore has not been applied at this stage. However, I invite the member to look at the annual report, because it does deal with the dismissal of matters in that annual report for the first seven months of operation.

Clause passed.

Clause 9.

Ms COOK: Attorney-General, how many complaints would the Judicial Conduct Commissioner be asked to rehear?

The Hon. V.A. CHAPMAN: I am not quite sure I understand the question. Is this in relation to complaints that have been dealt with and/or dismissed and then a second application comes before the commissioner? Is that what you are referring to?

Ms COOK: Yes.

The Hon. V.A. CHAPMAN: Well, we have no idea of that.

Ms COOK: Not a guess?

The Hon. V.A. CHAPMAN: No idea. There is no indication from the report that we have to date that there have been some repeated complainants in relation to the same issue of misconduct or concerning conduct. We will review what happens in a full year when we get the annual report, if there is some indication of statistical information of those who might be a multiple complainer, because that is effectively what we are talking about, a serial complainer—some would say 'serial pest'. Nevertheless, there is no indication in the reports that we have to date, and I cannot recall anything from the commissioner suggesting to me that there is a problem brewing in relation people who make repeated and, perhaps, vexatious complaints.

Ms COOK: I have just one more question in regard to the discretionary dismissal. How many complaints do you think the Judicial Complaints Commissioner would dismiss under the section?

The Hon. V.A. CHAPMAN: That is in the report, and I think I read it out but I will repeat it. It is in relation to section 16 of the act. The number of complaints dealt with by taking no further action under section 16 of the JCC Act were 10 in that part year.

Clause passed.

Clauses 10 to 14 passed.

Clause 15.

Ms COOK: Under what circumstances would the Judicial Conduct Commissioner release the names of a complainant to a judge, and can you provide any examples regarding this at this point?

The Hon. V.A. CHAPMAN: Perhaps I had not made clear in my second reading contribution the circumstance in relation to this. Clearly, there would be a situation where, if there were multiple complaints against a judicial officer, an individual may say, 'I don't want my name to be presented.' I would anticipate that in a situation like that, where the commissioner might find in the affirmative—that is, the complaints were justified and there were multiple complaints against the same magistrate or judge—he may consider it is in the public interest that that information be disclosed if the complainants were people whose names would perhaps carry some weight in the community.

They are the sorts of situations I would see. I gave you an example where sometimes, even when withdrawing a matter, the particulars of the complaint and the status of the complainant—especially if there are multiple ones—may well be relevant to a determination as to what is in the public interest.

Ms COOK: I have one last question, and perhaps it is a clarification again. How many complaints do you think would fall into that category?

The Hon. V.A. CHAPMAN: We do not know yet because we have not had the capacity to ensure the protection of confidentiality. I think the commissioner is indicating, 'I didn't get many complaints in the first year. It may be because people are too scared to step forward. I think this needs to be considered.' That is what we are doing.

Clause passed.

Remaining clause (16) and title passed.

Bill reported without amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

The Hon. V.A. CHAPMAN: Mr Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

INFRASTRUCTURE SA BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 July.)

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (16:00): We left off yesterday where the member for West Torrens, who I think should actually spend his time arguing with himself and coming to a resolution before he comes into this chamber with a stream of consciousness that is so contradictory that you wonder if he was a member of multiple political parties, was trying to suggest that by having chief executives on the board of Infrastructure SA they were somehow going to ruin the process.

What I think the former minister (now member for West Torrens) needs to understand is that we need to get buy-in from the Public Service. We also need those who understand how the budget is tracking, how the Department of Infrastructure's planning process is going—how their project and evaluation functions are going—and how those departments are able to inform and have discussions with the Infrastructure SA board about where the state of play is up to.

We have taken best practice as it exists from other jurisdictions across the country in informing how we should get there, which is why we have been very deliberate about having four independent members and three government members. You notice none of those people are ministers; those people are chief executives. In his contribution, the member for West Torrens also made mention of the fact that these chief executives are likely to be smart people. The reason that

we can probably take him at his word is that one of them was the Under Treasurer who tried to make him look good in his time as treasurer, as well as the head of DPTI and the head of DPC.

I do not know why you would not want to have three of the most highly paid public servants and smartest people in the government sitting around a board that is deciding on future infrastructure. At the end of the day, and unless somebody other than Nick Xenophon is suggesting otherwise, cabinet is going to decide which projects are funded. It quite naturally has to be that way because Infrastructure SA does not develop the budget. They do not deliver the budget. They have no visibility over the budget-setting process. They have no visibility over budget pressures or changes in revenue projections, cost blowouts or anything like that.

To somehow suggest that Infrastructure SA should take on a greater role around that is ridiculous and also contradictory to some of the other remarks that were made. We need to get this balance right, and we need to get this tension right. That is why we have ended up with the model that we have. Unless the members opposite, through their amendments, come up with a smarter answer, I am struggling to see a reason why the parliament, which has alternative ways of being able to formulate its own policy—that essentially cabinet, government, executive government and democratically elected governments should have their roles as drivers of policy supplanted over to the parliament.

It is interesting that it is now in opposition that a member of parliament seeks to supplant the imprimatur of the executive. Maybe those members would have had a different view before the election. In the end, we have not really had regard to who is in government and who is in opposition because we want this body to be there to challenge no matter who is in government, whether they be Liberal, Labor or Callithumpian. We are setting this up on an extremely independent basis, with our only view being: what is the best way to get this done? The more pure and the more perfect we have this body, the better outcomes we are going to have for South Australians.

This bill is actually quite simple in its construct. It provides for the establishment of a body called Infrastructure SA and our understanding of this body is that it is there to measure, challenge and evaluate post project, to really be the centre of excellence when it comes to looking at the way we should spend our scarce resource dollars and to provide an alternative voice, and it does so in a number of ways. It does so through the various structural pieces of work that it is going to undertake in relation to the 20-year long-range infrastructure forecasts, but also in the five-year statements that are going to be updated on a regular basis.

Those five-year plans should give imprimatur to the government for a suite of infrastructure projects from which they should seek to fund. It is important that we make sure that we have cabinet involvement in that process to ensure that there is enough goal congruence between Infrastructure SA and the cabinet that there is buy-in, but enough independence that, where the government seeks to go down and back to the bad old days of pet projects, ISA is there to be able to provide that clarion and respected external voice.

We are also giving Infrastructure SA the power to be able to compel departments to give information, and that is extremely important because we do not want to have hidden from them important bits of information that will help them with their deliberations. In certain circumstances, where we see that the private sector is involved in this process, Infrastructure SA should be able to have the advantage of this information.

What I found quite interesting was that the member for West Torrens tried to suggest yesterday that somehow it was news to him that we were going to amend clause 30(3) of the bill, even though it was disclosed to him last Friday in a briefing. We accept the feedback from stakeholders that disclosure of confidential information could potentially be detrimental to private business. That is why I think it is a very sensible amendment to balance those things and make sure that we are getting the balance right where we give ISA enough power and ability to seek information but, quite rightly, that information should remain confidential.

I do not suggest that we are going to go on for too much longer because I expect some vigorous questioning during the committee stage, and I look forward to that. I also look forward to this bill going through the two houses because this is an extremely important structural reform. It is something that maybe does not capture the minds of South Australians in the way that other more

tangible things for everyday South Australians are going to, but over time it will make some fundamental structural changes to the way that our system works that will get closer to the truth and closer to better and more honest decision-making. I think that is extremely important.

I look forward to its passage through this house and also through the other house in as unadulterated a form as possible so that we can actually get the true benefits of having the best infrastructure body in Australia, without it being tainted by ever more extreme political interference or seeking to change its mandate from the very fine balance we are seeking to achieve through the construct of this bill.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr KOUTSANTONIS: Under 'major infrastructure project', paragraph (a) states:

(a) a project to provide infrastructure that has a capital investment value of $50 million or more or, if some other amount (whether greater or smaller) is prescribed by regulation for the purposes of this definition, that other amount.

Why did the government settle on the $50 million figure?

The Hon. S.K. KNOLL: I think the member for West Torrens will note in there that there is some scope for variation, or some scope for flexibility within that definition.

Essentially, we want to make sure that Infrastructure SA is not dealing with every road maintenance project or small intersection upgrade. ISA's work, through the five-year statement and the 20-year statement, is quite self-evidently looking at the major infrastructure policies of the government and infrastructure strategies of the government. We wanted to get the balance right of having the threshold set at a level that the major projects are involved. You will notice that as part of that definition there is some flexibility in paragraph (b), where projects are of a more complex nature.

There are some projects that are more technically complex than others. For the ones that are more technically simple, we want to use that $50 million threshold. But there may be some smaller projects of significance or complexity that we may want to call in to the ISA body. Really, the setting of that is more about ensuring that the right projects are captured as part of this process and that ISA is not bogged down, for instance, in the same way that the Public Works Committee—with a $4 million threshold—looks at a broader range of much more mundane projects.

Mr KOUTSANTONIS: Paragraph (b) states:

(b) a project, or a project of a class, to provide infrastructure that is determined by the Minister to be a project...

Who is the minister?

The Hon. S.K. KNOLL: The Premier of South Australia.

Mr KOUTSANTONIS: Why is the Premier determining infrastructure programs, rather than the Minister for Infrastructure, to be considered by Infrastructure SA?

The Hon. S.K. KNOLL: The bill needs to be committed to somebody. Having the bill committed to the Premier in this instance is about showing ISA that there is buy-in from the highest levels of government. As the member for West Torrens may have remembered from his time in government, DPTI is not the driver of every single infrastructure project. Health, by its very nature, has projects, so does education and so does every department.

Having this sit with the Premier gives fair and equal weight and value to all those infrastructure priorities. Lest we have this committed to the Minister for Infrastructure, who may surreptitiously prioritise his or her own priorities in what they refer to ISA, by having this committed

to the Premier sends the right signal that we are going to be looking at the full facet of government, and even more broadly, when it comes to the projects that will be referred to ISA.

Mr KOUTSANTONIS: In the minister's second reading contribution, he said that he had modelled this legislation on legislation from other parliaments. Can the minister give me an example of any other jurisdiction, from Infrastructure Australia to any other body around the country, where the act is referred to the Premier or the Prime Minister, other than in South Australia?

The Hon. S.K. KNOLL: This act like every single act is committed to a minister. That can change from time to time. In this instance, we have decided that it best sits with the Premier especially given that at this juncture—

Mr KOUTSANTONIS: Point of order. My previous question was about why it was committed to the Premier. My third question was: given the minister's second reading contribution, which other state or commonwealth body referred this act to any minister other than the infrastructure minister?

The CHAIR: Thank you for repeating the question, member for West Torrens.

The Hon. S.K. KNOLL: If I can finish the answer before being jumped on, this act—like every other single act that has ever been committed to any minister anywhere in the country or, let us say, the Westminster system of parliaments across the world—at this point in time is being committed to the Premier because he has a very keen interest in this legislation. He has also been looking at this body for a number of years.

That is not to say it will be committed to the Premier in perpetuity, and in the awful event that somehow members opposite become government at any time they can choose to make a decision. However, this is where we believe this appropriately sits, with a Premier who is going to have full regard to all the portfolios of government rather than just an individual department—

Mr Koutsantonis interjecting:

The CHAIR: Continue, minister—without interjection, member for West Torrens.

Mr Koutsantonis interjecting:

The CHAIR: Member for West Torrens, you have asked your question. Minister.

Mr Koutsantonis: Life's too short.

The Hon. S.K. KNOLL: Says the man who gave a two to three-hour second reading speech, where he argued and drivelled and scraped and—

The CHAIR: Minister, return to the question please.

The Hon. S.K. KNOLL: At this time, it is entirely appropriate that the Premier takes carriage of this act, when it becomes an act. What is even more interesting is that I think where the Premier seeks to take carriage of individual portfolios—

Mr Koutsantonis interjecting:

The CHAIR: The member for West Torrens is called to order. You have asked the question and the minister is answering. Minister.

Mr Koutsantonis interjecting:

The CHAIR: Member for West Torrens, you are called to order for a second time. Minister, have you finished?

Clause passed.

Clause 4.

Mr KOUTSANTONIS: Regarding the establishment of Infrastructure SA, clause 4(2)(c) provides 'is capable of suing and being sued in its corporate name'. I understand your advice is that it is a standard clause. Is that done by resolution or by cabinet decision?

The Hon. S.K. KNOLL: I do not think it is cabinet that is going to be suing this body; it could be anybody.

Mr KOUTSANTONIS: Paragraph (c) provides 'is capable of suing and being sued'. So if Infrastructure SA wishes to take action, is it by resolution of the board? Do those board members need to seek permission from their ministers, as they are chief executives who are under contract with the Premier? What is the process for Infrastructure SA suing people?

The Hon. S.K. KNOLL: That is self-evidently a matter for the board. That board is constituted of seven people, and those seven people will make that decision as a body corporate in relation to suing various third parties.

Mr KOUTSANTONIS: Why would a government statutory body sue anyone?

The Hon. S.K. KNOLL: I do not know that we have time for an exhaustive list but, for instance, if there were a contract entered into between Infrastructure SA and a contractor for work—

Mr Koutsantonis interjecting:

The Hon. S.K. KNOLL: Infrastructure SA has the opportunity to engage contractors to look into specific projects. Where, for instance, ISA goes to a particular expert looking at a particular area—let us say there is someone who is a real genius when it comes to looking at ports strategy in South Australia—ISA may engage a contractor to deliver a piece of work in relation to business cases that have been put before it. If there is a breach of contract, if there is any sort of issue in relation to that arrangement, it may be that ISA chooses to sue a contractor in that regard.

Clause passed.

Clause 5.

Mr KOUTSANTONIS: According to clause 5(2)(a):

Infrastructure SA has the following function to further its objects:

(a) to provide the Minister—

that is the Premier—

with strategies, statements and plans in accordance with Part 3;

Then it goes on to talk about making detailed submissions to Infrastructure Australia. Who makes a submission to Infrastructure Australia currently under the current government's structure, and will that change with the adoption of Infrastructure South Australia and will it be the Premier making those applications to Infrastructure Australia?

The Hon. S.K. KNOLL: I note that it is not always governments themselves that submit projects to IA, but the practice as it has been currently is that DPTI takes a lead role in relation to that with the sign-off of cabinet. That process will continue.

Mr KOUTSANTONIS: As I read it, the act will establish a body whose key function is to inform the Premier about submissions to Infrastructure Australia for commonwealth funding, but the minister has just stated to the house that it is in fact the Minister for Infrastructure who will be doing that. Is there a role for the Minister for Infrastructure in the functions?

The Hon. S.K. KNOLL: That is not what I said, Tom. I said DPTI prepares the work. I, as the minister, would take it to cabinet. Cabinet would make a decision. That would go to IA. But, also, decisions on funding projects do not necessarily follow a linear process with IA, and I think that is quite evident in the money we have been able to garner in the last three months. Some of those projects were at a more final stage of completion through IA. Some of those projects were at a very early stage because the homework had not been done.

There is an IA process that needs to be gone through and that work will still continue on, as it has now. I would like to think that the submissions we are going to send to IA are more complete because they have been complemented by an ISA process that has put a rigour around it that makes some of that work more complete when it gets sent to IA. But, other than that, the process will continue as it normally does.

Mr KOUTSANTONIS: For clarity, the minister is telling the house that he will remain the portal to make submissions to Infrastructure Australia.

The Hon. S.K. KNOLL: Sorry, who will?

Mr KOUTSANTONIS: The Minister for Infrastructure.

The Hon. S.K. KNOLL: I am a portal now, am I?

Mr KOUTSANTONIS: Okay, you are the minister assigned by cabinet to make recommendations and submissions to Infrastructure Australia, yet the act that you introduced in the parliament on behalf of the Premier says 'provide advice to the minister', who we have been told is the Premier, 'in respect of infrastructure submissions that may be made by the state and its agencies to the commonwealth government and other bodies on appropriate funding and financing models for infrastructure and on economic or regulatory impediments'. What I am trying to understand is that if DPTI are still responsible for applications to IA, why is it that the act is empowering all those submissions to be done through the Premier rather than through the infrastructure minister? How much more can you be humiliated?

The Hon. S.K. KNOLL: This is fantastic. This is, I think, for those watching at home a real window into the way the former government may have run their government. We have a cabinet process. That means we actually sit around as a cabinet, all 14 of us, and we make decisions. We do not hide documents in a bottom drawer and then ship them off without talking to other people.

Under a cabinet government, what happens is when you ship off something to IA you take it through cabinet because you want to tell the Treasurer that you want this money, you want the Premier to also be involved because he might have regard to what we want to build across South Australia and have a few ideas himself. But more than that, this idea that somehow that I, as the Minister for Infrastructure, will not see the work that ISA is doing is absurd.

I do not know what sort of ducks and drakes, the final days of the USSR system that the former government ran, but we are an open and transparent cabinet government. ISA is going to do that work. It is going to inform the whole cabinet—yes, including me as the infrastructure minister—as well as the Premier, and cabinet will make its decisions and deliberations, as it should, having regard to all the strategies and all of the priorities of the government, rather than it being a tool of any one minister to be able to have favour for projects that they may see that they want primacy over other projects.

Again, this is why we need to ensure that governments respect the traditions of our Westminster system. Even though 'cabinet' does not come up in any official document somewhere, our Premier has made it extremely clear that we are a cabinet-led government, and I look forward to having those deliberations with all my cabinet colleagues, with full view of the information, making the best decisions on behalf of South Australians.

Mr KOUTSANTONIS: On indulgence, sir, clause 5 has a number of subsections—

The CHAIR: On indulgence, clause 5, fourth question.

Mr KOUTSANTONIS: Yes, sir, thank you very much. Can the minister please point out where the Minister for Infrastructure is mentioned anywhere in the bill?

The Hon. S.K. KNOLL: I do not think that the Minister for Infrastructure is mentioned anywhere in any act on the statute book anywhere.

Clause passed.

Clause 6 passed.

Clause 7.

Mr KOUTSANTONIS: Clause 7—Statement of expectations, provides:

(1) The Minister must—

that is, the Premier—

after consultation with Infrastructure SA, prepare a statement setting out the Minister's expectations in relation to the operations and performance of Infrastructure SA.

What process does the Premier go through to develop a statement of expectations?

The Hon. S.K. KNOLL: In the manner and form with which the committed minister sees fit.

Mr KOUTSANTONIS: So there is no referral to cabinet, to DPTI, to the Minister for Infrastructure? I find it interesting that the Premier can set any expectation without regard to the direction of any other plan. It states here that the minister—that is, the Premier—may, after consultation with Infrastructure SA, review and amend the statement at any time. Does that require a resolution of the board to accept the Premier's recommendation to alter a plan or can it just be done by direction? Is there another clause within the bill that supersedes clause 7(2)?

The Hon. S.K. KNOLL: If the member for West Torrens would like to use this clause as a way to turn ISA into some sort of paramilitary organisation or some sort of arm of a minister to tell them to do what they want, I think he has sadly misunderstood. If we take a step back into the ghost of our immediate clauses past, it actually does set out the objects and activities that ISA should look at and should undertake, and that gives very broad direction as to what ISA should be looking at.

Quite self-evidently, this is not about reports that ISA will complete. This is really saying that the committed minister—in this instance, the Premier—should essentially set out some broad expectations with Infrastructure SA about how that board is going to operate. Especially having regard to the fact that the state government is going to be funding ISA, I think that the committed minister sitting down with ISA and saying, 'Hey, look, I think we should sit down and work together on how we think this thing is going to work in the broad sense and what sort of structure it is going to undertake in the broad sense,' is entirely sensible.

Given that, again quite self-evidently, the budget process is going to give resource to this body, that sort of discussion needs to be had, and clause 7 provides for that discussion.

Clause passed.

Clause 8.

Mr KOUTSANTONIS: Clause 8 provides:

> Except as provided under this or any other Act, Infrastructure SA is not subject to Ministerial direction in the exercise of its functions or powers.

How does Infrastructure SA record any attempt at ministerial direction? What is its protection? That is, is it like the Auditor-General, who can come back and report to parliament seeking protection?

The Hon. S.K. KNOLL: Again, I think this speaks very fundamentally to the appropriate amount of tension that we are seeking have between ISA and the government. If we look at clause 22, it provides the ability where the government and ISA disagree.

Mr KOUTSANTONIS: Clause 22, did you say?

The Hon. S.K. KNOLL: Clause 22(3):

> If the Minister makes an amendment to the Strategy before it is adopted by the 30 Minister, Infrastructure SA may advise the Minister that it does not agree with the amendment and make that advice available to the public.

What happens is this—

Mr Koutsantonis: On its website? In the parliament? How?

The Hon. S.K. KNOLL: The bill is silent as to how. It does say 'to the public'. To spell it out for the member for West Torrens, what is going to happen is that there is a 20-year strategy and a five-year statement. Those documents are going to be made public. There is obviously an opportunity for cabinet to have regard to those documents, but it may be that the cabinet decides to adopt a document that is different from the one that ISA may want to adopt. Where those two reports disagree, the government can put out its version and ISA can put out its version and, to the extent that they disagree, the South Australia public can make up their mind about that. That is very much fundamental to the tension that we are trying to create and the ability for ISA to keep the government honest.

There may be some legitimate grievances between those two bodies, and there may be things, for instance, about which the South Australian public say, 'We just really, really want this,' and that is why cabinet will be the ultimate decision-making body in relation to infrastructure projects.

This is the part that provides the independent voice that ISA can use to speak out. In relation to clause 8, it essentially provides a blanket independence, except where we have asked in the bill for the government to have the power to direct ISA.

Mr KOUTSANTONIS: Thank you for that, minister. Could you please answer my question and tell me how Infrastructure SA makes things public?

The Hon. S.K. KNOLL: It could be through the use of a town crier. It may be through the morse code. It may be that they decide to hold a tele town hall, or via a robocall. They may decide to make a speech at the top of Montefiore Hill. Whichever way they decide that they would like to make this report public, they are free to do so. That is what is provided for as part of the bill.

Mr KOUTSANTONIS: What a mockery, sir. It is a legitimate question. When independent statutory bodies wish to make reports, generally they can table things in the parliament to be published, and the minister does that regularly. You see reports tabled in the parliament regularly, and the government prints them and they are published. When I asked the minister: in what nature will these be made public, we get this childish response of 'a town crier', or, 'morse code'. It shows the level of juvenile attention being given to this bill—probably because he is not the minister responsible for it. I ask again: can Infrastructure SA table reports in the parliament?

The Hon. S.K. KNOLL: Infrastructure SA is not a member of the parliament, so I do not think they can. Essentially, what they can do and what we think they are most likely to do—they could hold a press conference. They could put it as part of their annual report.

Mr Koutsantonis: And where does the annual report go?

The CHAIR: Member for West Torrens, you have been called to order twice. Minister.

The Hon. S.K. KNOLL: As you said, they may actually write to every South Australian household and let them know how they disagree. I think that if clause 22 was read properly, the very broad nature of 'make that advice available to the public' gives Infrastructure SA the independence to make it public how they see fit.

Clause passed.

Clause 9.

Mr KOUTSANTONIS: The clause states that 'Infrastructure SA may publish statements, reports and guidelines'. Why is that not 'must'?

The Hon. S.K. KNOLL: In the last clause, you were implying that somehow the government was trying to meddle in ISA, but now that the next clause gives ISA the freedom to do whatever they want you do not like that either.

Mr KOUTSANTONIS: Again, this goes to probity.

The Hon. V.A. Chapman: What would you know about that?

Mr KOUTSANTONIS: Well, I am not the one who just paid $2.5 million to someone who has been charged with murder.

The Hon. V.A. Chapman: Gillman.

Mr KOUTSANTONIS: Charged with murder.

The CHAIR: The Attorney and the member for West Torrens will cease to banter across the chamber. This house is in committee.

Mr KOUTSANTONIS: I do not think it is banter, sir.

The CHAIR: Member for West Torrens, we have a lot of clauses to go. Please ask your question.

Mr KOUTSANTONIS: I will. Infrastructure SA is given the ability to formulate very, very important strategies that outline the future direction of infrastructure spending in South Australia, and the government says that its reports may never be published. So Infrastructure SA can do all this work in secret and not publish it.

My question goes back to the minister again. Independence is one thing; transparency and probity are another. I am not talking about whether we should direct Infrastructure SA on what findings to make; all I am saying is that we have a right to know what they are. So, in clause 9, why will the government not compel Infrastructure SA annually to publish the work that it does?

The Hon. S.K. KNOLL: Can I answer this question in three parts.

Mr Koutsantonis interjecting:

The Hon. S.K. KNOLL: Either you would like an answer to the question or you can just sit there, yell and make yourself feel good. You have three years and nine months—

The CHAIR: Minister, answer the question.

Mr Koutsantonis interjecting:

The CHAIR: Member for West Torrens, one more outburst and you will be warned. We have a lot of clauses to go.

The Hon. S.K. KNOLL: Part 1, Infrastructure SA is a statutory authority, in much the same way as Renewal SA is a statutory authority. Much like the Gillman matter, where Renewal SA was subject to ICAC, Infrastructure SA will also be subject to ICAC, as well as FOI and oversight by the Ombudsman and the Auditor-General. What this clause actually seeks to do is provide the ability for Infrastructure SA to make statements, reports and guidelines relating to the performance of its functions. It is actually there so that ISA can make reports about the work of agencies.

I think what happened under the former government was that business case development was something that was left a little bit to the wayside, that political consideration was paramount in the way that we spent money on infrastructure projects across South Australia. ISA, as an independent body and voice, is actually there to be a bit of a tough cop not only to the cabinet but also to other agencies about how they interact with Infrastructure SA.

So, in regard to 'may' publish statements, it is more about their doing so if and when they feel it necessary, rather than being compelled to do anything for any reason. Again, it is quite broad as to what they can publish and, I think, relating to the performance of their function, it is again equally as broad to give discretion to Infrastructure SA. This body is not secret; that is why we are allowing it to publish its own reports even if cabinet disagrees with that report. It is subject to the same oversight provisions of those of other statutory authorities.

I find it quite offensive that 'secret state' is being yelled across the chamber by somebody who opposed changes to the public hearings under ICAC. I think the member for West Torrens can reflect on his behaviour.

Mr KOUTSANTONIS: Where in the bill does it refer to cost-benefit analysis work being done by Infrastructure SA, as it does for Infrastructure Australia?

The Hon. S.K. KNOLL: The idea of this clause is that—

Mr Koutsantonis: The answer would be no.

The Hon. S.K. KNOLL: Well, I do not need to answer the question then.

Clause passed.

Members interjecting:

The CHAIR: Members will cease banter across the floor. We are in committee.

Clause 10.

Mr KOUTSANTONIS: The government has chosen three chief executives for appointment to this body: the head of DPC, the head of DTF and the head of DPTI—or planning, development and infrastructure, which I assume is a MOG change, taking 'transport' out. Given the minister's previous closing remarks about the Department for Health being one of the largest infrastructure spenders in South Australia—

The Hon. S.K. Knoll: I didn't use those words.

Mr KOUTSANTONIS: I note that the minister says that he didn't say that health was one of the largest infrastructure spenders in the state. We will check the *Hansard* and come back and have a look. Why was the chief executive of health not considered for this role given the amount of money spent on infrastructure, or other members who have very large infrastructure spends? Why DTF, why DPC and why the Department for Planning, Transport and Infrastructure.

The Hon. S.K. KNOLL: Again, I think this is like a bad episode of the *Young and The Restless* in that there has been a collective amnesia. If the member remembers the good old days of pre 17 March, he might remember that the Department for Transport, Infrastructure and Planning actually builds things on behalf of other departments. So, in relation to STEM works programs, in relation to the building of health assets, in relation to building and leasing arrangements on behalf of all departments, DPTI is the agency that builds things.

I know that there are exceptions to that rule, but really there are a number of considerations at play, and one is that we want to have four independent members and three government members. You will notice that none are members of cabinet, but we wanted the expertise of the chiefs sitting around that table. However, you want the person who has got the best eye to the overall strategy, DPC; the person who holds the purse strings, DTF; and the person who does the most building of things, DPTI. I think that is fairly self-evident, and that is why those three people are chosen.

Mr KOUTSANTONIS: How often will the Infrastructure SA board meet?

The Hon. S.K. KNOLL: That is something that is a matter for the board, but clause 7 provides the ability for the minister to be able to set that expectation with ISA.

Mr KOUTSANTONIS: That will be done annually by the minister, by the Premier, sending an expectations statement to Infrastructure SA, or will you allow the board to resolve itself how often it meets? There is no minimum?

The Hon. S.K. KNOLL: It really is a matter for ISA. It is a matter for the minister to set those expectations, but I think, quite clearly, when it comes to the development of the 20-year strategy and the five-year statements, that in the lead-up to those times it may be that ISA needs to meet more often, and it may be that outside those times ISA may need to meet less often.

There are a number of bodies, and I can think, for instance, of a number of planning bodies that meet as often as they need to in order to deal with the work as it is presented to them. The idea of legislation is to provide broad enabling clauses, not necessarily to be prescriptive. This provides the ability of the minister to set those expectations, it provides the ability of ISA to have that flexibility to meet as often as they need to.

The CHAIR: The question is that clause 10—

Mr KOUTSANTONIS: One last question, if I may, on indulgence, sir?

The CHAIR: Member for West Torrens, I would suggest that if you have further questions that you have support on your benches. This one last time.

Mr KOUTSANTONIS: Thank you, sir. Subclause (3) talks about qualifications for board members. Does that apply to all board members or just the four who will be appointed who are ex officio? Does that apply to all board members; if it does, will those board members, including the chief executives of the Department of the Premier and Cabinet, the Department of Treasury and Finance and DPTI be required to detail their experience in the areas of expertise the government is legislating?

The Hon. S.K. KNOLL: The clause does apply to all seven but, again, this broad enabling clause—rather than prescriptive clause—is in there because it may be that at various times the three ex officio chiefs have a set of skills that means that the independent members of the board do not necessarily need to have those skills. For instance, the chief executive of the Department of Planning, Transport and Infrastructure is a guru on roads; therefore, some of the independent members can have expertise in other areas.

Clause passed.

Clause 11.

Mr KOUTSANTONIS: Regarding conditions of membership, the committee has previously accepted an amendment that members must have qualifications, knowledge, expertise and experience in infrastructure planning.

The Hon. S.K. KNOLL: That is not what it says.

Mr KOUTSANTONIS: Okay, I am sorry. I must have misread it. Clause 10(3) provides:

> The Minister must, when nominating persons for appointment to the board, seek to ensure that, as far as is practicable, the members of the board collectively have qualifications, knowledge, expertise and experience in infrastructure planning, funding, delivery, management and other relevant areas of expertise.

The government has also created a subsection of that board that must have qualifications in infrastructure planning, so I ask the minister to table the qualifications in infrastructure planning of the three ex officio members.

The Hon. S.K. KNOLL: There is a word in clause 10(3), 'collectively'. This means that the whole of the sum of the seven can be more than their parts.

Mr KOUTSANTONIS: Given that the board is required to have—

The CHAIR: Member for West Torrens, you are asking questions on clause 11?

Mr KOUTSANTONIS: Yes, sir.

The CHAIR: Yes. I think the question before may have been on clause 10.

Mr KOUTSANTONIS: I apologise for my error.

The CHAIR: We have already passed clause 10, member for West Torrens.

Mr KOUTSANTONIS: Sir, your wisdom is like Solomon cutting a baby in half.

The CHAIR: Clause 11.

Mr KOUTSANTONIS: Yes, sir. The government is very keen on the independence of Infrastructure SA, as the minister has said, trying to create—if I categorise what he said correctly—a tension between executive government. How does having the ability to remove a member for very broad definitions like 'failure or incapacity to carry out official duties satisfactorily' meet with the independence of Infrastructure SA?

Reading that, if the board decides that it wants to depart in a very different direction from the government, 'a failure or incapacity to carry out official duties satisfactorily' is a very broad definition. I think 'misconduct' is fine, and 'breach of, or non-compliance with, a condition of appointment' is fine, but 'a failure or incapacity to carry out official duties satisfactorily' is a very broad definition. I ask the minister what is the definition of 'a failure or incapacity to carry out official duties satisfactorily', and what is the template? Where else in any other act does paragraph (c) sit? Are there other examples that you can refer to?

The Hon. S.K. KNOLL: I think clause 11 is something that exists in many acts but, again, what we are seeking to—

Mr KOUTSANTONIS: It is paragraph (c) I asked about.

The Hon. S.K. KNOLL: Well, I think the question was extremely broad. What we are seeking to do here is provide for the ability to make sure there is a level of accountability. To answer the question in the opposite: how would we manage the performance of members of ISA in the absence of having clauses that ask us to have regard to their merit and performance? Quite simply, that clause says that if you are guilty of something, or if you resign, die, become bankrupt or other specific circumstances, then you are off.

'Misconduct' has a specific meaning, as does 'breach', 'noncompliance' and 'condition of appointment'. Again, it is quite contractual, but somewhere in there it needs to say that if you are not doing your job properly, we can get rid of you. We need to ensure that the people who are on that board take their duties seriously but that they are performing. There is no such thing as an appointment for life. This bill does not contemplate such a thing as a non-meritorious appointment.

What we are seeking to do through this clause is ensure that there is an ability for the executive to be able to make sure that the board members are doing their job properly. In the absence of the executive being able to do that, there would be no ability. That is why paragraph (c) is an extremely important part of clause 11—because it needs to have regard to the performance of members on the board.

Mr KOUTSANTONIS: Can the board resolve to have a member removed?

The Hon. S.K. KNOLL: If I think about a whole range of statutory authorities that have boards that report to ministers, this would be the same. A board can resolve that it can send one of its members off to recommend that it be turfed to a minister, and this would be the same process.

Clause passed.

Clause 12.

Mr KOUTSANTONIS: The favourite topic of every member of parliament: remuneration. What will a board member be paid? Will they be paid sitting fees on top of their remuneration, and are there any other fees board members will be charged? I note that during the briefing we were told that ex officio members will not be paid anything extra. Will they be paid sitting fees?

The Hon. S.K. KNOLL: Exactly as happens on every board that I have seen staffed by government employees, those government employees will not be paid and the independent members will be paid.

Mr KOUTSANTONIS: How much will the independent members be paid?

The Hon. S.K. KNOLL: That is something that will be determined in the usual way after the passage of the bill.

Mr KOUTSANTONIS: The usual way is by a section in an act. If you look at a number of—

The Hon. S.K. Knoll: No it's not.

The CHAIR: Minister! Ask the question, member for West Torrens.

Mr KOUTSANTONIS: Thank you. A number of boards prescribed their fees and charges. They can be indexed. I was just wondering what the government's thinking is on what they would pay the chairperson and what they would pay all their independent members. Are there extra sitting fees that go to those members? Are there travel allowances for those members? Do they get a per diem when they travel interstate? Are they given a meal allowance when they go interstate? These are reasonable questions for the opposition to ask. I am not sure why there is secrecy from the government about what they want to pay their friends whom they appoint to this board.

The Hon. S.K. KNOLL: We expect that this board will be a category 1 board, but there is an ability to remunerate members of this board outside a category 1 board fee, which is the standard practice. I can see, for instance, in relation to the State Planning Commission, that is something that it has exercised quite often. This board will operate in the same way as other boards of a similar type.

I would point out that we are asking this board to make some very serious decisions about billions of dollars of potential infrastructure across South Australia. I think we should pay these people pretty well. We need to make sure that we are getting the best and brightest, given that this is a comparatively small board. We are talking about seven people, which is probably the right size to get efficient decision-making, but we are asking the four independent members to carry a heavy burden. Given the billions of dollars we are talking about, I think we need to make sure that we pay people well in order to get the right people to provide us with the very best advice on how we spend these billions of dollars.

Clause passed.

Clause 13.

Mr KOUTSANTONIS: Clause 13 provides:

(1) A quorum of the board consists of a majority of the members of the board in office for the time being.

I assume a quorum could mean the four independent members, excluding the ex officio; is that correct?

The Hon. S.K. KNOLL: Sorry, I must admit I was—

Mr KOUTSANTONIS: A quorum is a majority of members. I assume that includes ex officio members, so a quorum could be just the four independent members?

The Hon. S.K. KNOLL: Yes.

Mr KOUTSANTONIS: Is it standard practice for category 1 boards that chairs exercise a casting vote?

The Hon. S.K. KNOLL: The question is not should they do it or why should they do it; it is whether or not it is usual for them to do it.

Mr KOUTSANTONIS: Is it standard practice on other boards?

The Hon. S.K. KNOLL: I would expect anywhere where there is a tie on a board—and there are any number of permutations of numbers on boards, ranging from as little as three people to 20 people—the chair uses a casting vote to break that tie. Maybe where it is tied on other boards, the motion is lost in the negative. That may be another way to deal with it. If a chair does not have a casting vote, I am not sure how ties normally get broken on any board.

Mr KOUTSANTONIS: Are all members of the board subject to the ICAC Act?

The Hon. S.K. KNOLL: Yes.

Clause passed.

Clause 14.

Mr KOUTSANTONIS: If all the members resign en masse in protest against the government because of—

The Hon. S.K. Knoll: You mean, like they did for Renewal SA?

Mr KOUTSANTONIS: Yes, bang. Yes, that was devastating. Does that mean the ex officio members and a chair maintain the quorum?

The Hon. S.K. KNOLL: Yes.

Clause passed.

Clause 15.

Mr KOUTSANTONIS: Clause 15—Delegations, is interesting and I want to flesh this out with the minister. Can Infrastructure SA delegate their powers and authorities to a non-Public Sector Act employee?

The Hon. S.K. KNOLL: Sorry, say that again?

Mr KOUTSANTONIS: Can Infrastructure SA delegate their powers and functions under the act to a non-Public Sector Act employee? Can Infrastructure SA delegate its functions to anyone it chooses, without regard to their employment or contract with the state government?

The Hon. S.K. KNOLL: I think I am interpreting the question like this: that if Infrastructure SA was to delegate its power, or contract out some sort of function to a private contractor who has some other conflict of interest somewhere else—

Mr Koutsantonis: They have a contract with the government.

The Hon. S.K. KNOLL: Who has a contract with the government?

Mr KOUTSANTONIS: If they delegate their powers to a contractor to do something is different. I am talking about when there is no contractual arrangement under the Public Sector Act

so they are not subject to all the acts that cover people from probity and things like the ICAC Act. Can they delegate to anyone they want, or do they have to have a contract with the Crown?

The Hon. S.K. KNOLL: This may actually be a genuine question, member for West Torrens. If you were trying to suggest would I be able to get around the probity that exists within government by subbying that out, our expectation would be no. I am happy to clarify that. What this clause is really about is that, for instance, there may be times when ISA asks one of the agencies to do some work on its behalf. This provides the ability to do that. It also may get a private contractor to do some work. This provides for that. Our expectation would be that there would be the highest levels of probity.

Without being a lawyer, I would suggest that, to the extent that the contractor is undertaking work for ISA, those works get entered into. I am trying to think of a statutory body like Renewal SA, and I am now thinking now about the Festival Plaza. The Auditor-General quite evidently reviewed the work that Mott MacDonald and other contractors did in relation to that. I will get that clarified, but my expectation is yes.

Mr KOUTSANTONIS: The scenario I am envisaging is that Infrastructure SA delegate their powers and functions to a contractor to do a body of work, the board is dissatisfied with the work the contractor is doing and it revokes the delegation under this act. Who is liable for the contract payments or the civil action that may ensue afterwards? Is it the board, is it the Crown or is it the board members?

The Hon. S.K. KNOLL: I am not a lawyer, but I am lucky that there is one sitting next to me who would tell me that, where there is a contract between one body corporate and another, there are contractual arrangements and a whole range of law that talks about the way that those two bodies can interact with each other. ISA is a body corporate, and I think we talked about that before. It can sue and be sued. Also, the terms that the contract that ISA enters into with somebody else will determine, to the extent that they talk about those things, and provide the rules of engagement on those matters.

Clause passed.

Clauses 16 and 17 passed.

Clause 18.

Mr KOUTSANTONIS: What is the annual budget of Infrastructure SA?

The Hon. S.K. KNOLL: That is something that is being worked up through the course of the budget process. I look forward, on the passage of this bill and the budget being handed down, to that being made public.

Mr KOUTSANTONIS: Will Infrastructure SA have its own business unit running its commercial affairs, or will that be sourced internally from DPC and a function that DPC provides?

The Hon. S.K. KNOLL: The intent is that they will buy it from DPC.

Mr KOUTSANTONIS: They will buy it from DPC? That is a nice thing to do.

The Hon. S.K. KNOLL: The same with agencies that buy corporate overheads.

Mr KOUTSANTONIS: Sure. As to the accounts held by Infrastructure SA, including its ability to contract as it sees fit, my understanding is that Infrastructure SA will be given a statutory right to inquire into anything it likes and create its own plans as well. Given what the minister has just said, that it will be independent and ministers can only be removed for a series of breaches that are prescribed under statute, how will the government stop Infrastructure SA from entering into contracts and exceeding its budget, given its level of independence and its mandate to conduct its own scoping and its own works?

The Hon. S.K. KNOLL: I will answer that question in this way, then you can tell me whether there is anything you think I have missed. Clause 5(2)(f) states:

(f) to provide advice to the Minister—

(i) in respect of infrastructure submissions that may be made by the State and its agencies to the Commonwealth Government and other bodies; and

(ii) on appropriate funding and financing models for infrastructure; and

(ii) on economic or regulatory impediments…

Those four things are part of its purview. It can look into any and all the things within that scope. There is the ability for a minister to refer something relating to infrastructure to ISA, and there is the ability to perform any other function conferred on Infrastructure SA under this or any other act.

So it has some base functions which it has freedom to look within. It can then get a referral from a minister in relation to infrastructure, or there may at sometime in the future be a function conferred on it by amendment to this or another act that may give it more powers to do something we are not currently envisaging. I do not read anywhere there where it has the ability to go off on a frolic on something else.

Mr Koutsantonis interjecting:

The Hon. S.K. KNOLL: Well, I think the way clause 5 is written gives them scope within the things we would like them to look at, and then there are some referral powers by the parliament or the minister. If I can go to clause 7, where it talks about the statement of expectation, again that is a document that will provide some direction both ways, between the minister and ISA, to be able to set out what it can look into.

Clause passed.

Clause 19 passed.

Clause 20.

Mr KOUTSANTONIS: The 20-year state infrastructure strategy would be completed, I assume, by 2039 or 2040. The government talked at length about its '2036' strategy. Is there any—

The Hon. S.K. Knoll interjecting:

Mr KOUTSANTONIS: Yes, it polled terribly.

The Hon. S.K. Knoll interjecting:

Mr KOUTSANTONIS: It did; that is why you have stopped talking about it.

The Hon. S.K. Knoll: There is only one poll that matters, Tom.

Mr KOUTSANTONIS: That is true; 36 per cent of South Australians can't be wrong. I know; I heard it. Infrastructure SA must prepare a 20-year state infrastructure strategy. How did the Premier arrive at a 20-year strategy rather than a 25-year or a 10-year or a five-year strategy?

The Hon. S.K. KNOLL: The 20-year state infrastructure strategy is a medium to long-term point in time. Another appropriate question would have been: how long is a piece of string? Essentially, this is advice that was given to us by the experts in the area: Brendan Lyon, who undertook some work to help us understand and someone who has had expertise in setting up most of the infrastructure bodies around the country, as well as Sir Rod Eddington and also Mark Birrell who were, I think, the inaugural chair and the current or immediate past former chair of Infrastructure Australia. These are the people from whom we have been taking advice, and the 20-year state infrastructure strategy came out of their advice.

Mr KOUTSANTONIS: Is there a requirement for Infrastructure SA to publish their state infrastructure strategy?

The Hon. S.K. KNOLL: Yes.

Mr KOUTSANTONIS: Can the minister point me to the clause in the bill?

The Hon. S.K. KNOLL: Clause 22(2)(b).

Mr KOUTSANTONIS: As to draft strategies, the strategy must be prepared and submitted to the minister within such time as the minister directs. Clause 22(2)(b) states 'make the adopted strategy publicly available'.

The Hon. S.K. KNOLL: Sorry, are we on clause 22?

Mr KOUTSANTONIS: No, you just referenced it, so my question is in preparation of the state infrastructure strategy when is Infrastructure South Australia to publish its strategy?

The Hon. S.K. KNOLL: When it is adopted by the minister.

The CHAIR: Member for West Torrens, we have had three questions on clause 20.

Mr KOUTSANTONIS: Very well, okay.

The Hon. S.K. KNOLL: This is the punchline.

The CHAIR: Okay, the minister is happy for another question. Member for West Torrens.

Mr KOUTSANTONIS: Given the minister's answers, it may never be published if the minister does not adopt it.

The Hon. S.K. KNOLL: Unfortunately, he was heading up towards this and it has fallen flat because under clause 20(3) it says that ISA must review the strategy at least once in every five years. Also under this, and I will ask Ben to find the relevant clause, but again what we talked about before was essentially where there is a disagreement under clause 22(3) that, if the minister makes an amendment to the strategy before it is adopted, Infrastructure SA may advise the minister that it does not agree with that and make the advice available to the public.

The CHAIR: We seem to have jumped ahead a bit there.

Clause passed.

Clause 21.

Mr KOUTSANTONIS: Given the minister's answers, Infrastructure South Australia could be constituted by the end of the year, begin its work in 2019 and not publish a report until after the next state election.

The Hon. S.K. KNOLL: I am seeking a further answer. If the member would like to move on to a different question, I am happy to come back to that question.

Mr KOUTSANTONIS: Is there a requirement for Infrastructure SA to publish its state infrastructure strategy before the next election?

The Hon. S.K. KNOLL: That is the same question, and I will come back in a second.

The CHAIR: Clause 21.

Mr KOUTSANTONIS: Thank you very much, Chair. It says that the strategy must include social, economic and environmental objectives with respect to infrastructure in this state.

The Hon. S.K. KNOLL: Come on. We are at clause 21 now.

Mr KOUTSANTONIS: No, when was it clause 21? We have done clause 20, haven't we?

The CHAIR: We are taking questions on clause 21, member for West Torrens.

Mr KOUTSANTONIS: Yes, I know.

The CHAIR: This is the third question on clause 21.

Mr KOUTSANTONIS: Catch up.

The Hon. S.K. KNOLL: The questions have been on clause 22.

Mr KOUTSANTONIS: No, the questions have been on the state infrastructure strategy which he cannot answer.

The Hon. V.A. Chapman: He said he would come back on that.

Mr KOUTSANTONIS: We will see. Given that the statement of the strategy may include a statement on social, economic and environmental objectives with respect to infrastructure in the state, it also goes on to say an assessment of the options related to planning, funding, delivering and managing infrastructure in the state to address the state's needs and strategic goals and priorities for infrastructure for the next 20 years, including a whole series of dot points that you have there. It says any such recommendations as Infrastructure SA thinks fit. When you say social, economic and environmental objectives, obviously you are talking about infrastructure that exceeds just roads and bridges. It could be ports, pipelines, transmission distribution lines—

The Hon. S.K. KNOLL: Or diesel generators.

Mr KOUTSANTONIS: It could be diesel generators. It could be gas-fired generators. It could be a solar thermal plant. It could be all sorts of pieces of infrastructure. Will the government refer its plan for an interconnector to Infrastructure SA?

The Hon. S.K. KNOLL: This is quite interesting, and I think part of my second reading speech will have answered this: we want ISA up and running as soon as possible. We want to refer things to it as soon as possible. The member for West Torrens was arguing on the other side of this point in his second reading address by suggesting that we were using ISA to slow down infrastructure provision in South Australia.

The interconnector, as the member well knows, is following its own process under the various bodies that the national market provides for when making decisions about regulated assets that come under the purview of the National Electricity Market. We do not—

Mr Koutsantonis: It's going to be a regulated asset, is it? When did you decide that?

The Hon. S.K. KNOLL: No, but there is a process it is going through at the moment.

Mr Koutsantonis: That's news; it's going to be a regulated asset. Who is going to own it?

The Hon. S.K. KNOLL: I didn't say that.

Mr Koutsantonis: Yes, you did.

The Hon. S.K. KNOLL: No, I didn't.

The CHAIR: Member for West Torrens. Minister.

The Hon. S.K. KNOLL: There is a process by which electricity infrastructure is referred to to be incorporated as a regulated asset under the National Electricity Market.

Mr Koutsantonis: That's right. It doesn't have to be regulated; it can be privately owned.

The Hon. S.K. KNOLL: That is also correct.

Mr Koutsantonis: So which is it going to be?

The Hon. S.K. KNOLL: That is a determination to be made by somebody that is not me.

Mr Koutsantonis: You're the infrastructure minister.

The Hon. S.K. KNOLL: I do not run the National Electricity Market, buddy.

The CHAIR: The minister will not respond to interjections. Continue with your answer, please.

Mr Koutsantonis interjecting:

The CHAIR: Member for West Torrens, cease interjecting.

The Hon. S.K. KNOLL: There is a balance between getting ISA up and running and having projects signed over to it as soon as possible but also making sure that we do not stop the work. I think that South Australians, with regard to an interconnector—which is something that the member for West Torrens supported until we supported it and then he stopped supporting it—want us to get on and deliver that as soon as possible.

I think that there is extremely rigorous process that interconnector is going to go through to decide how it should be incorporated into the National Electricity Market, and I think that South Australians can be assured of that rigour and transparency through that process. I think that ISA will be set up too late for that particular project, as it will for projects that have already been through the IA process, such as Pym to Regency and the Gawler electrification.

Our desire is to get this up and running as soon as possible and start referring projects to it, but again in my second speech I outlined the fact that there is a fine balance between wanting to be open, transparent and rigorous but not stopping the short to medium-term pipeline that will get South Australia moving and lower electricity prices.

Mr KOUTSANTONIS: Point of order: the minister undertook to give me an answer.

The Hon. S.K. KNOLL: Yes, by the end of the first term.

Mr KOUTSANTONIS: By the end of the first term?

The Hon. S.K. KNOLL: Is when the 20-year strategy will be available.

Clause passed.

Clause 22.

Mr KOUTSANTONIS: Will Infrastructure SA consult on the draft state infrastructure strategy it prepares for the minister to adopt?

The Hon. S.K. KNOLL: That is a matter for the board, quite clearly, but I think we are giving ISA a lot of power to be able to consult and make deliberations about that and engage experts in relation to their deliberations and the advice that they seek to make.

Mr KOUTSANTONIS: Is there a requirement for Infrastructure SA to consult with stakeholders on its state infrastructure strategy?

The Hon. S.K. KNOLL: On clause 21, he was asking questions about clause 22, and now in clause 22 he is actually asking questions that are there in clause 21, where it says here 'consider relevant information provided by the public, private and not-for-profit sectors'.

Mr KOUTSANTONIS: Will a draft state infrastructure strategy be made available to the public before its adoption?

The Hon. S.K. KNOLL: That is an operational matter at this stage but, having said that, for instance, in relation to a determination about the difference between a draft report by an integrity body—

Mr Koutsantonis interjecting:

The CHAIR: The member for West Torrens will cease interjecting.

The Hon. S.K. KNOLL: —as opposed to a final report by an integrity body, I think that the member opposite would well know that we need to make sure final reports are availed of all the information and natural justice processes that would necessarily go into something like this, and that it may be premature to release and publish draft reports.

Clause passed.

Clause 23.

Mr KOUTSANTONIS: Is there any requirement by Infrastructure SA to make public its statement of capital intentions before the next election?

The Hon. S.K. KNOLL: The expectation is very much yes, and that is something that will be set down between the minister and the board under clause 7.

Mr KOUTSANTONIS: Can you please point out to me in clause 7 where it requires Infrastructure SA to publish its statement of capital intentions?

The Hon. S.K. KNOLL: Clause 7 is the clause that gives the ability for the minister to set out a statement of expectations about what he expects from ISA. Our expectation is that under

clause 7 there is the ability for the minister to direct ISA to make sure that the first report is completed before the next election.

Mr KOUTSANTONIS: It is not hard to give a straight answer. There is clearly no requirement at all for Infrastructure SA to table or make public its state infrastructure strategy or its capital intentions before the next election. This body can operate entirely in secret. The minister is asking the house to accept—indeed, asking the parliament to accept—that a ministerial statement of objectives is enough to safeguard a group of unelected appointed board officials setting out a 20-year infrastructure strategy that we do not get to see until after the next election.

I would have thought it prudent that the government publish this before the next election so we can get a chance to see what the capital intentions are, and what the statement of objectives are, so we can actually have a debate about it. I do not understand why the government is being so secretive and cagey about this.

The DEPUTY SPEAKER: Member for West Torrens, do you have a question?

Mr KOUTSANTONIS: That was a question, sir. It was a long and detailed question.

The Hon. S.K. KNOLL: Notwithstanding the rant, this clause is right at the heart of where we are seeking to get the tension right. There is—and the former treasurer would know—a budget-setting process. There are capital statements that are made in relation to the budget and those things are timed on an annual basis. There may be a situation where a government may choose to incorporate those capital intentions as part of a budget process as opposed to a separate document.

Given the fact that we want to have buy-in from cabinet to this document, I think it is important to allow cabinet the ability to use its normal budget-setting processes to make sure that the timing of the capital intentions is appropriate but also give protection to cabinet to essentially make sure cabinet is prime as the decision-making body on what infrastructure projects in South Australia should be adopted, promoted and funded.

What we have done in here is the same as we did for the 20-year strategy under subclause (3). This is the scenario: ISA prepares a capital intentions statement and sends it to the cabinet. The cabinet says, 'We do or don't want to release it at this time for these reasons or no reasons.' ISA then goes back and says, 'Hang on, we think you should release it, and this is why.' The advice on why it should be released can be made public.

That is really to provide the avenue for ISA to say—and let me envisage this scenario—'We don't think this project is worthwhile; therefore, it is not in our statement of capital intentions,' and cabinet says, 'We don't want to release that because it conflicts with the priorities that we want to fund.' Cabinet says, 'Well, we are supreme,' which is right—the executive should make those decisions. So it says, 'Okay, we're not going to publish this.' At that point, ISA can say, 'We think you should make it public.' Again, that is where we think we are giving the right amount of power to ISA to exercise independence, but not essentially compromise cabinet's executive functions, especially through a budget-setting process or through an infrastructure funding process.

Clause passed.

Clause 24.

Mr KOUTSANTONIS: The reason my line of questioning is working this way is that, as I said in my previous question, I think it is important that the people of South Australia get to see both the statement of capital intentions and the strategy. The minister has told the house that the state infrastructure strategy will be released just before the next election. However, clause 24 provides:

(2) In preparing the Statement—

that is, the statement of capital intentions—

[it] must have regard to the following:

(a) the 20-year State Infrastructure Strategy adopted by the Minister.

So there is a very real likelihood that we will not get to see the state infrastructure strategy before the next election. How can it possibly be released unless the 20-year state infrastructure strategy

has been adopted by the government? The minister's own words tell us that it will be late in the term, just before the next election.

The Hon. S.K. Knoll: The 20-year strategy?

Mr KOUTSANTONIS: The 20-year strategy. So the capital intentions must have note and regard to that by statute. How do you release capital intentions if the government is not going to adopt and release the infrastructure strategy until just before or on the eve of the next election? South Australians will be voting without knowing what the capital intentions of either the government or Infrastructure SA are.

The Hon. S.K. KNOLL: What needs to happen is that this bill needs to pass this parliament and then ISA needs to hurry up and get on and do its work, and it has a lot of work to do. We need it to do its work as quickly as possible. What is the point of setting up this body unless people are going to see its deliberations? I agree with the member for West Torrens. However, it needs time to be able to undertake those deliberations properly. It needs to get on and complete its first 20-year strategy and then it needs to go on and deal with the capital intentions statement.

Yes, we agree that this may take some time. We would like to see it done as quickly as possible. We are the ones who want this body, and I do not understand why we would have this body and then not want it to do its work. There is a logical process that needs to be gone through and we want to see it done as quickly as possible. We have said very clearly in the policy document that the 20-year strategy needs to be released before the next election, but our intention is very much to be able to release the statement of capital intentions as well. However, that is subject to ISA being able to get on and do its work.

Mr KOUTSANTONIS: I do not accept that answer. The state government was elected on 17 March. On 18 or 19 March, the Premier was sworn in and cabinet was sworn in later that week. They are preparing a $19 billion to $20 billion budget. Over the next four years and within six months, they will be spending in excess of $80 billion. However, they are telling us that Infrastructure SA cannot prepare a 20-year or a five-year capital intentions plan within four years.

It is ridiculous. The time lines that the minister is giving us are laughable. How is it that the Minister for Police can formulate a budget—as laughable as that is—but apparently senior experts in the infrastructure arena cannot prepare a statement of intentions before the next election? The minister says, 'Maybe we will, maybe we won't.'

The CHAIR: Member for West Torrens, what is the question on clause 24?

Mr KOUTSANTONIS: Why is there no requirement to publish the statement of intentions before the next election?

The Hon. S.K. KNOLL: If I can unpack that a little bit: firstly, the $19 billion to $20 billion budget is not all capital; in fact, most of it is not capital. I think most of it is operating, which ISA would not necessarily be looking at. Secondly, we are not asking ISA to set a budget. What we are asking ISA to do is to undertake work that is extremely detailed and looks at some of the big decisions. I think operating recurrent expenditure can have regard to the past with regard to the present and the future.

What we are talking about here is individual projects where we are asking ISA to look very deeply at priorities for infrastructure provision. That is an extremely difficult question and one that does take time to answer. It is not a budget-setting process; it is a business case development and evaluation process. Those things are completely different.

The fact is that we have not had an ISA body before. We have the member for West Torrens casting doubt over whether we need this thing in the first place and whether or not it is just going to become too political. Now he is arguing the other side of the very same point, which is that he now wants this thing to hurry up and do its work more quickly. Maybe you need to argue with yourself and resolve some internal inconsistencies before you come to us and ask questions.

The answer is that this body needs to get on and do its work as soon as it practically can. What we do not want is a situation where these people are rushed into making poor decisions—because that is what has been happening for the past 16 years. The entire reason we want this act

to be in place is to make better decisions. The way you make better decisions is by allowing smart people the time and the resources to make smart decisions and provide advice. The way you do that is by giving flexible time lines with some strong imprimatur about the fact that we want to see this work.

As the government that wants to put this in place—being one of the last places in the country to do this—we actually want the benefit of this advice so that we can show South Australia that they can trust that their politicians are actually making decent decisions on how to spend billions of dollars of taxpayers' money. We are the ones who want to see this. It is why we put this bill into parliament within our first 100 days. I am looking forward extremely to this body doing its work, but it will go as fast as it needs to, and as slow as it needs to, to do its job properly to provide smart advice that is the best, rather than some rush job around a political time line.

Mr KOUTSANTONIS: Where is the requirement for Infrastructure SA to conduct business cases? What clause is it?

The CHAIR: This is clause 24.

Mr KOUTSANTONIS: No. Is he giving us which clause the business case development is in? Which one is that?

The Hon. S.K. KNOLL: The member for West Torrens is—

Mr KOUTSANTONIS: Because Infrastructure Australia has it in their act.

The SPEAKER: Member for West Torrens, you have asked your question. The minister is about the answer the third question on clause 24.

The Hon. S.K. KNOLL: ISA reviews business cases and helps agencies to develop business cases. It does so using powers under clause 29. If we are skipping forward to clause 29—

The CHAIR: Which we are not.

The Hon. S.K. KNOLL: —I can answer the question at that point.

Mr Koutsantonis: Okay, so clause 29 is where they are required to conduct business cases and publish them.

The Hon. S.K. KNOLL: Here we go. Clause 29(2)(b) says:

> (b) provide the information and material in the manner and form specified in the notice (which may, for example, include the provision of a business case).

Mr KOUTSANTONIS: May, not must—may.

The Hon. V.A. Chapman: He's a lunatic.

Mr KOUTSANTONIS: Point of order: I ask the Deputy Premier to withdraw the term 'lunatic' as it is offensive in terms of its mental health implications to people. It is appalling that she would do such a thing.

The CHAIR: I did not hear the comment.

Mr KOUTSANTONIS: I did. Withdraw it.

The CHAIR: Attorney?

The Hon. V.A. CHAPMAN: I am actually happy to withdraw that, but at the same time I ask the Treasurer not to consistently claim—

Mr Koutsantonis: I am not the Treasurer.

The Hon. V.A. CHAPMAN: —the former treasurer—that our government is paying multimillions of dollars to a murderer.

Mr Koutsantonis interjecting:

The Hon. V.A. CHAPMAN: He is not charged, and you know it.

Mr Koutsantonis: Yes, he is.

The Hon. V.A. CHAPMAN: No, he's not.

The CHAIR: Everybody, the house is in committee. We are in committee on a bill, the Infrastructure SA Bill. The minister is about to respond to the third question on clause 24.

The Hon. S.K. KNOLL: We go from clause 29 to clause 5. Clause 5(2)(b) says:

(b) to review and evaluate proposals for major infrastructure projects by public sector agencies;

I think that anybody in the infrastructure space would quite self-evidently and clearly take the word 'proposals' to include such things as business cases.

Clause passed.

Clause 25.

Mr KOUTSANTONIS: Infrastructure Australia is required to conduct cost-benefit analyses and publish those. Why is Infrastructure SA, in its capital intentions, not required to do so by statute?

The Hon. S.K. KNOLL: Again, if you think you know the answer, I do not necessarily need to answer, member for West Torrens. If we again go back to the ghost of clauses past, it says in here that the 20-year state infrastructure strategy may include:

a statement of social, economic and environmental objectives with respect to infrastructure in the State;

I think, self-evidently, that means that the work of Infrastructure Australia is going to be more broad than just cost-benefit analysis. Quite clearly I think it will be a very important part of the work that it undertakes, but it will need to have regard to a boarder set of objective and principles. That is why we have set those principles and objectives to be more broad.

Mr KOUTSANTONIS: When Infrastructure SA or the government, by morse code or pigeon, release their strategies, can the minister commit to the house, because it is not in statute, that the business cases will be published and cost-benefit analyses of all infrastructure projects be publicly released?

The Hon. S.K. KNOLL: It is expected that Infrastructure SA, as part of their statements, will release business case summaries. Again I think we are treading a fine line between the work that ISA quite clearly needs to undertake and not impeding the normal budget-setting process of the executive. There will be some work undertaken as part of business case development by agencies that will by its very nature be cabinet-in-confidence, but some of that information will also be commercial-in-confidence. That is why we need to make sure that ISA needs to have regard to all of those factors. We expect it to include broad business case summaries and also make sure that it does not impede cabinet-in-confidence or commercial-in-confidence considerations.

Mr KOUTSANTONIS: I would have thought best practice is what the commonwealth does. The commonwealth has statute requirements for Infrastructure Australia to conduct a cost-benefit analysis of projects. This is because it is public money being spent on infrastructure. The question is: if the minister has looked at acts all across Australia and the pinnacle of that is what his own party's federal infrastructure minister is subject to, and what his own Prime Minister subjects his government to, why will the Minister for Infrastructure not publish the business case and cost-benefit analysis? What is there possibly to fear from publishing a cost-benefit analysis of an infrastructure project that is to be funded with public money?

The Hon. S.K. KNOLL: Let's try this again. This is extremely rich coming from somebody who never released a CBA on any project they undertook. ISA evaluates business cases. It helps agencies to better develop their business cases. That is fundamental to their work. But there is a fine balance—

Mr Koutsantonis interjecting:

The Hon. S.K. KNOLL: I tell you what, in this game you need to be able to stomach your own hypocrisy; it is phenomenal.

The CHAIR: Minister, answer the question.

The Hon. S.K. KNOLL: There is a balance in giving information to the public. ISA is independent and has enough independence to be able to be the honest broker with agencies to help agencies get better about what they do and to help agencies such as DPTI develop a centre of excellence in business case development. That is extremely fundamental to its role. However, there are cabinet-in-confidence and commercial-in-confidence considerations that also need to be looked at. That is why ISA will release as much as it can, but it will not release things that otherwise jeopardise the normal functions of the executive.

Clause passed.

Clause 26.

Mr KOUTSANTONIS: How much budget will Infrastructure SA be allocated for work that it does off its own initiative?

The Hon. S.K. KNOLL: That is actually a clear matter for the budget. If the member for West Torrens is suggesting that statutory authorities should have the ability to spend money beyond their budget and essentially freewheel then maybe that is why he could not balance the thing when he was in government.

Mr KOUTSANTONIS: Subclause (2) provides:

A strategy, statement or plan that has been requested by the Minister—

which is the Premier—

must be prepared and submitted to the Minister within such time as the Minister directs.

That is separate from the capital intention statement and separate from the capital intentions and the 20-year strategy. The government can refer infrastructure projects to Infrastructure SA, set a time line for its consideration and report back to the government on a cost-benefit analysis and a business case within a time frame.

The Hon. S.K. Knoll: Oil and gas up at Gillman.

Mr KOUTSANTONIS: Oil and gas up at Gillman or a massive freight bypass through the Adelaide Hills to get a really bad candidate who lives in Victoria elected in Mayo. The questions I have are: with those referrals to Infrastructure SA, will they have an allocation of budget to go with them to give them money to do the work or will they be required to do it within existing resources? Can they charge agencies to do that work? For example, can they charge DPTI to do that work? Can they charge DPC to do that work? Can they charge the requesting agency to do that work on request from the minister?

The Hon. S.K. KNOLL: That is something that would need to be worked through as part of clause 7, but I think that all statutory authorities, no matter their independence, where they are funded by government, need to work to a budget process. Where they believe that they need more money to undertake their functions, for instance, much as the ICAC commissioner did in relation to the exercise of his very independent functions, that is still a matter for the executive as to how they fund that. We would expect that ISA undertakes that in the usual way.

Mr KOUTSANTONIS: Is there a limit on the time frame the minister can set for Infrastructure SA to complete a body of work?

The Hon. S.K. KNOLL: Clause 7 is quite broad in relation to the statement of expectations. It is quite broad and I think that it gives broad direction on what can be asked for but, again, this is something that will be a matter for the minister and ISA.

Clause passed.

Clause 27.

Mr KOUTSANTONIS: So the minister must consider a strategy, statement or plan submitted by Infrastructure SA under this division and adopt it with or without amendments and then refer it back to Infrastructure SA for further consideration. What is the process for amendments?

The Hon. S.K. KNOLL: Again, the minister could ask for amendments. The minister could take a strategy, statement or plan to cabinet and ask cabinet to consider whether or not it would like amendments.

Mr KOUTSANTONIS: So the only involvement the infrastructure minister will have in any amendments to the adoption of a strategy would be in the cabinet process?

The Hon. S.K. KNOLL: No.

Mr KOUTSANTONIS: Given the answer is no, can the minister detail what other statutory responsibilities the Minister for Infrastructure has in being consulted or in making amendments to a plan?

The Hon. S.K. KNOLL: It is very much envisaged that, when it comes to business case development, project management, post-project evaluation as well as our through project evaluation, all those functions are going to be undertaken by DPTI. The infrastructure department will report to the infrastructure minister on issues in relation to that but also, quite self-evidently, the chief executive of the department reports to the minister. I think that the member for West Torrens is trying to suggest somehow that the squirrels will be secret, but that is extremely and self-evidently not going to be the case.

Again, I would remind the member for West Torrens that cabinet government relies on cabinet ministers committing to cabinet government. You only need to look at Kevin Rudd in *Kitchen Cabinet* to see where cabinet process breaks down. Our entire fundamental structure of government relies on a convention of people wanting to work together. That is why we had a change of government: because the people of South Australia wanted to get back to a proper cabinet-led process, and I am extremely committed to the fact that this Marshall-led Liberal government will run a cabinet-led government and it will be open and transparent in relation to the way it makes these decisions.

Clause passed.

Clause 28.

Mr KOUTSANTONIS: I get back to my concerns about the transparency and probity of this body that the government is establishing. Throughout the bill the word 'may' is peppered in all its reporting, not 'must', and 'may' and 'must' are two very different words.

The Hon. S.K. Knoll: That's right, especially in relation to directions that a minister gives Renewal SA and whether or not they are verbal or written.

Mr KOUTSANTONIS: I am very concerned that Infrastructure SA is not required to do very much at all in terms of probity. There is an annual report that is published, but the annual report does not contain a statement of intentions; it contains general work in an overview. The question I have in the publication of additional infrastructure strategies and plans is: if the government is serious about creating a tension between executive and non-partisan infrastructure planning, why not compel this body to annually publish their views on all infrastructure prepared off its own initiative, or by the minister or the government, and publish it so that the South Australian public can make a comparison between the views of Infrastructure SA and those of Corey Wingard?

The Hon. S.K. KNOLL: This is not the benevolent dictatorship of 'Koutsantonistan'; this is a democracy. Essentially, what we have tried to develop here is a model that works on people using their best endeavours and best intentions, and to deliver a model that enables—

Mr Koutsantonis interjecting:

The CHAIR: The member for West Torrens will cease interjecting, and the minister will not goad the member in his answers. Minister.

The Hon. S.K. KNOLL: This bill enables, it allows flexibility and it seeks to put in place a process to improve on the status quo. By having regard to the failures and successes of interstate bodies, it is the best model in Australia. It gets right the tension between having enough independence and having too much independence. If, for instance, we were to make this bill filled with 'musts', as the member for West Torrens is suggesting, what we would have is a body that is

too independent, that is not respected by agencies or cabinet and that becomes something that sits far out and off to the side that everybody ignores because it does not have cabinet buy-in.

It is why there needs to be a collaborative approach; it is why the word 'may' needs to be used—because it needs to have regard to flexibility to work with cabinet. There are some opportunities in here for ISA to flex its muscle and assert its independence. We have made sure that they are there and that they are strong enough for ISA to go to the public and go to the media and make its views known, but not so much that they become something that just sits off to the side and that everybody ignores. It is why the bill is formulated the way it is.

And, yes, I can tell the member that every piece of legislation, to a certain degree, relies on people doing the right thing and coming in with goodwill and the best of intentions. On this side of the house, I think we choose to believe that people are inherently good and not inherently evil, devious or deceptive. It is why we are seeking to have this bill put in place, and what we will do is judge its performance after it has done its work rather than consign it to failure before it has even begun.

Clause passed.

Clause 29.

The Hon. S.K. Knoll interjecting:

Mr KOUTSANTONIS: I do not want to be the cause of the member not seeing his children; I apologise.

The CHAIR: The question, member for West Torrens.

Mr KOUTSANTONIS: Regarding the power to require information, the minister told me, during my second reading contribution, that he would amend this clause. This clause is offensive. The idea that we would construct a body—

The Hon. S.K. Knoll interjecting:

Mr KOUTSANTONIS: Yes, I see it. I have the amendment here.

The CHAIR: Just to be clear, member for West Torrens, we are on clause 29 now?

Mr KOUTSANTONIS: Yes, regarding the power to require information. I find this clause offensive. It provides:

> (1) Infrastructure SA may, by written notice served personally or by post, require a person to provide Infrastructure SA with such information and material as may be reasonably required for the purposes of assisting Infrastructure SA in the performance of its functions under this Act.

That is a broad power given to an unelected body.

The Hon. S.K. Knoll: Power?

Mr KOUTSANTONIS: Yes, power, broad power.

The Hon. S.K. Knoll interjecting:

Mr KOUTSANTONIS: Yes, appointed, not even elected. Subclause (2) provides:

> A person required to provide information or material under subsection (1) must—
>
> (a) provide the information and material within the time specified in the notice (which must be reasonable)—

great, so you can take my IP for free at a reasonable time—

The Hon. S.K. Knoll: Keep digging.

Mr KOUTSANTONIS: Okay, apparently I am digging a hole. Subclause (3) provides:

> A person cannot be compelled to give information under this section if the information might tend to incriminate the person of an offence or is privileged on the ground of legal professional privilege.

I would have thought, under this subclause, that the idea that Infrastructure SA can co-opt intellectual property from civil contractors—

The Hon. S.K. Knoll interjecting:

Mr KOUTSANTONIS: Why is that? Because you are not going to publish it?

The Hon. S.K. Knoll interjecting:

Mr KOUTSANTONIS: All I have before me is an amendment by the minister to delete lines 10 to 12 in clause 30(3). From my memory, clause 30(3) provides that Infrastructure SA may disclose confidential information. That is all he is deleting. It does not stop the government from getting information to start with.

The Hon. S.K. Knoll: That's right.

Mr KOUTSANTONIS: That is offensive.

The Hon. S.K. Knoll interjecting:

The CHAIR: So the question?

Mr KOUTSANTONIS: The question is, Mr Chair—

The Hon. S.K. Knoll: Is it offensive?

Mr KOUTSANTONIS: No, my question is: will the government reconsider this power to compel contractors to give information to Infrastructure SA, especially given that board members of Infrastructure SA may also have other commercial links to other bodies. It is very difficult to maintain confidentiality if you are giving information directly to your competitors.

The Hon. S.K. KNOLL: The first point is this: ISA should have the power to require information. It needs to have regard to all the information including potentially commercial-in-confidence information when making its deliberation. It must do that to make the best decision. For instance, there may be a number of competing private sector operators who believe that their proposal for something is the superior proposal but may only give ISA information that proves its case rather than disproves its case. That is why we think it is important that they have the power to require the information but agree that we should get rid of its ability to publish that information.

The Industry Advocate Act 2017 gives exactly the same powers to the Industry Advocate to compel participants required to give information or documents to the Industry Advocate under this section and must provide the information or documents within the time stated in the notice. These are exactly the same powers that the Industry Advocate has, and if we are asking this body to deliberate and provide advice to the government on what is the best form of infrastructure to build, it must have the powers to be able to get all of the information. That is why we have provided for that in this act.

Mr KOUTSANTONIS: The opposition has grave concerns about this clause. The scenario that I am thinking of is when the government goes out to tender to build a new school, a new hospital, a new road, a new roundabout, or whatever it might be, information is given voluntarily on the basis of the tender. The government does not have the power to compel information from those tenderers about their IP or other commercial considerations. We can request it as part of the tender and, if the body does not wish to participate in the tender, that is fine. They just do not submit the information.

But the idea that an infrastructure body set up like Infrastructure South Australia will have the ability to coercively get information even though it has to keep it secret is very different from an Industry Advocate whose job it is to do dispute resolution when it comes to building infrastructure. If I have worked out a way—

The CHAIR: And the question, member for West Torrens?

Mr KOUTSANTONIS: Yes, I am stating my objection to the amendment, and I am entitled to do so.

The Hon. S.K. KNOLL: We are on clause 29. It is not an amendment.

Mr KOUTSANTONIS: You are. You are introducing a new clause in the bill. I am speaking against it.

The Hon. S.K. KNOLL: No, we are not at clause 30 yet. Pass clause 29 and then you can wax lyrical.

Mr KOUTSANTONIS: So if clause 29 is already an adopted clause, then I am out of order.

The CHAIR: No, it is not.

Mr KOUTSANTONIS: Exactly, so I am speaking on the merits of the clause, which I am entitled to do.

The CHAIR: Yes, and you are able to ask a question, too.

Mr KOUTSANTONIS: I will ask a question. It will climax into a question, sir.

The CHAIR: I can hardly wait, member for West Torrens.

Mr KOUTSANTONIS: I hear that a lot, sir.

The CHAIR: Member for West Torrens, sorry to interrupt. Let's be mindful of the time. At some point, we are going to have to decide if we are going to pass this bill or not. I am seeking the guidance of the house.

Sitting extended beyond 18:00 on motion of Hon. S.K. Knoll.

The CHAIR: Member for West Torrens, we are on clause 29. You were about to ask your second question.

Mr KOUTSANTONIS: I was climaxing, sir.

The CHAIR: You were, indeed.

Mr KOUTSANTONIS: What is the penalty for a body corporate or individual? Is the only penalty available to Infrastructure SA the $20,000 monetary penalty? Who determines if information within this clause is privileged or legally professionally privileged?

The Hon. S.K. KNOLL: I think, quite naturally that the person being compelled to give information could, quite potentially, need to seek legal advice.

Mr KOUTSANTONIS: That was not my question, sir. It is back to relevance. Who determines whether the information being requested by Infrastructure SA is legally professionally privileged?

The Hon. S.K. KNOLL: That would quite naturally be a civil dispute. We talked earlier about the ability of the body corporate to sue and be sued. Yes, there is a maximum penalty there, but it is not stated here. Unless I am not reading otherwise, there are no words to say that it is an offence. Essentially, somebody would say, 'Hey, I think this information is privileged.' They would go to a lawyer and the lawyer would say, 'Yes, we think it is privileged.' The person compelled to give the information would go to ISA and say, 'Yes, we think it is privileged.' ISA could choose to say, 'Yes, okay, we agree with you,' or, if not, 'Let's go see a judge and get them to work it out.'

Mr KOUTSANTONIS: So the company or the individual must be compelled to show what they believe is legally professionally privileged to Infrastructure SA before?

The Hon. S.K. KNOLL: Yes.

Mr KOUTSANTONIS: If they claim a privilege, and Infrastructure SA can take legal action against them to try to get a court to determine whether it is, who pays costs in that scenario?

The Hon. S.K. KNOLL: That would work in the usual way.

Mr Koutsantonis: So you would compel companies to give information and, if they fight you, you will charge them and bankrupt them in the court?

The CHAIR: Member for West Torrens, you have already asked your question. Minister, could you answer the question that has been asked please.

The Hon. S.K. KNOLL: It would follow the normal court procedure.

Mr KOUTSANTONIS: Has the minister consulted with stakeholders in the industry on the clause? Are the Freight Council and infrastructure organisations and bodies supportive, or are they generally concerned about this quite unique and disturbing new trend by the government?

The Hon. S.K. KNOLL: Our understanding is that stakeholders asked for clause 30(3) to be removed and that would satisfy their issues.

The CHAIR: The question before the house—

Mr KOUTSANTONIS: Sir, it is a very broad clause, which has broad powers—

The CHAIR: You have actually had four questions already. The member for Playford has a question.

Mr BROWN: My question to the minister is: have any stakeholders asked the government to remove clause 29 of the bill?

The Hon. S.K. KNOLL: Not to the best of my knowledge.

Clause passed.

Clause 30.

The Hon. S.K. KNOLL: I move:

Amendment No 1 [Premier–1]—

Page 12, lines 10 to 12 [clause 30(3)]—Delete subclause (3)

This subclause was the subclause that the stakeholders asked us to remove. This has, to the best of our understanding, satisfied them in relation to their concerns over this area.

Mr KOUTSANTONIS: In consulting on the amendment, which stakeholders did the minister meet with?

The Hon. S.K. KNOLL: I personally did not, but there was a broad consultation undertaken by the government. I can come back to the house with a much broader answer if the member so desires, but this is a bill, can I tell you, that I have had discussions with a huge number of the stakeholders about. In fact, almost all the industry associations I have met with since coming to this position have been extremely supportive of this piece of legislation, and they look forward to its passage knowing that it will help to incentivise greater investment in infrastructure in South Australia.

Mr KOUTSANTONIS: Who consulted with stakeholders on this amendment?

The Hon. S.K. KNOLL: Members of the Department of the Premier and Cabinet as well as the Premier's office.

Mr KOUTSANTONIS: Has the Premier, who the act is assigned to, the Minister for Infrastructure or a member of the cabinet met with any stakeholder on clauses 29 and 30 and the drafting of this amendment?

The Hon. S.K. KNOLL: Consultation has been undertaken with a broad range of industry associations. In relation to who had what conversation in relation to a specific clause, I do not have that information on me. As is very clear, we have had conversations with associations because, in relation to stakeholder feedback, we are essentially moving an amendment they asked us to move.

Evidently, we have consulted, and there are a large number of experts in this area—not the least of whom include Mark Birrell, Sir Rod Eddington and Brendan Lyon—we have consulted on this. I have also had numerous discussions with stakeholders, which I understand the Premier's office has also had. In terms of a laundry list of who said what, when and where, I do not have that information at hand.

Amendment carried.

Mr KOUTSANTONIS: If the government is seeking information on infrastructure from an organisation, such as Lendlease or anyone operating in South Australia or nationally, and a board

member on Infrastructure SA has interest in its competitors, is it prudent that that board member recuse themselves from seeing and obtaining that information, or do you expect board members to be able to hold those confidentiality agreements in place, regardless of any conflict they may have?

The Hon. S.K. KNOLL: I would expect board members, as well as anybody who is involved with ISA, to comply with clause 30 under this act.

Mr KOUTSANTONIS: Has the minister received any advice from DPTI, Treasury or the Department of the Premier and Cabinet, or has the government received any advice from its independent agencies, that this clause may weaken the competitive tender processes and may weaken the ability of the government to get good outcomes for its tenders for infrastructure, given companies not being prepared to operate in South Australia on the basis of this power being available?

The Hon. S.K. KNOLL: That is not advice that we have undertaken, but I would make this point: apart from WA, the rest of the country has infrastructure bodies. They are very well established and well understood and they are welcomed by the industry. People know that when an infrastructure body helps to make better decision-making around infrastructure projects, it incentivises more spending on infrastructure projects.

Clause as amended passed.

Clause 31.

Mr KOUTSANTONIS: Why is this clause necessary?

The Hon. S.K. KNOLL: We expect it to be used very rarely but, again, we do not know how often it is going to get used because the bill has not been enacted yet. Essentially, we want ISA to have the ability to compel information, and it needs to have the power to do so. What we are trying to do is seek the truth. We are after the truth and we need ISA to have the ability to do that. Through clauses 30 and 31, we are providing ISA with the ability to seek truth when it comes to the spending of billions of dollars of South Australian taxpayer money.

Clause passed.

Clause 32.

Mr KOUTSANTONIS: Yes, the miscellaneous section. This is my favourite section. Can the minister rule out toll roads over the life of this government?

The CHAIR: Minister, are you happy to take that question?

The Hon. S.K. KNOLL: No.

The CHAIR: Member for West Torrens, it is a question that does not really relate to this bill.

Clause passed.

Remaining clause (33) and title passed.

Bill reported with amendment.

Third Reading

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (18:11): I move:

That this bill be now read a third time.

Mr KOUTSANTONIS (West Torrens) (18:11): Congratulations to the minister on passing the Premier's bill. It is quite a feat for him. Infrastructure SA will go to the upper house. The opposition flags that it will move a series of amendments in another place. I have grave concerns over clause 29. I think what the government is attempting to do in clause 29 betrays who they are as a party. The idea that the private sector should be compelled to hand over information on their intellectual property—

The Hon. V.A. Chapman interjecting:

Mr KOUTSANTONIS: The job of the Independent Commissioner Against Corruption is to weed out corruption. When private companies build their own intellectual property, the idea that the government can steal it for themselves is terrible, and the Deputy Premier should know better.

The Hon. V.A. Chapman interjecting:

Mr KOUTSANTONIS: The idea that she can interject that it's the same as the ICAC commissioner is completely wrong. I have to say that I think this betrays who the Liberal Party is. Many in business have said to me that they are very concerned.

I am also very concerned that the minister has not met with stakeholders over his amendment because I think the amendment should have been broader. If Infrastructure SA wants to build its own IP and understand how to build infrastructure faster, it should pay for it itself. There is not even a clause to compensate companies that lose this IP to Infrastructure SA. They should be allowed to do that. With those few remarks, I look forward to the amendments in another place.

Bill read a third time and passed.

STATUTES AMENDMENT (SACAT FEDERAL DIVERSITY JURISDICTION) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

HEALTH CARE (GOVERNANCE) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 18:15 the house adjourned until Tuesday 24 July 2018 at 11:00.

Answers to Questions

SA HEALTH

4 Mr PICTON (Kaurna) (16 May 2018). What consultancies have been engaged by SA Health between 18 March 2018 and 15 May 2018 and what are their costs?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): I have been advised:

That the information is publicly available.

SA HEALTH

5 Mr PICTON (Kaurna) (16 May 2018). What grants have been awarded by SA Health between 18 March 2018 and 15 May 2018 and what are their amounts?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): I have been advised:

That the information is publicly available.

MURRAY-DARLING BASIN ROYAL COMMISSION

In reply to **Mr MALINAUSKAS (Croydon—Leader of the Opposition)** (19 June 2018).

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Attorney-General has provided the following advice:

There is no position to take in relation to the commonwealth's application for an injunction which has now been withdrawn.

MURRAY-DARLING BASIN ROYAL COMMISSION

In reply to **Mr MALINAUSKAS (Croydon—Leader of the Opposition)** (19 June 2018).

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Attorney-General has provided the following advice:

The claim for an injunction was withdrawn by the commonwealth on the provision of undertakings by the defendants not to seek to enforce noncompliance with the witness summonses.

COMMISSIONER FOR VICTIMS' RIGHTS

In reply to **Mr MALINAUSKAS (Croydon—Leader of the Opposition)** (21 June 2018).

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Attorney-General has provided the following advice:

There has been no increase in salary for the new Commissioner for Victims' Rights from Mr O'Connell's remuneration package beyond a CPI adjustment.

COMMISSIONER FOR VICTIMS' RIGHTS

In reply to **Mr KOUTSANTONIS (West Torrens)** (21 June 2018).

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Attorney-General has provided the following advice:

No discussions have occurred with the new Commissioner for Victims' Rights with respect to funding issues.