HOUSE OF ASSEMBLY

Tuesday, 30 June 2020

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:01): I move:

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

Motion carried.

Bills

FIRST HOME AND HOUSING CONSTRUCTION GRANTS (MISCELLANEOUS) AMENDMENT BILL

Standing Orders Suspension

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:02): I move:

That standing and sessional orders be and remain so far suspended as to enable the introduction of a bill without notice and passage through all stages without delay.

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

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

Motion carried.

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:03): Obtained leave and introduced a bill for an act to amend the First Home and Housing Construction Grants Act 2000. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:03): I move:

That this bill be now read a second time.

This bill implements the commonwealth government's HomeBuilder grant scheme in South Australia and incorporates amendments to the First Home and Housing Construction Grants Act 2000 (the FHOG Act) relating to objection and debt recovery provisions. The commonwealth HomeBuilder scheme provides grants of $25,000 to build a new home or substantially renovate an existing home where the contract has been entered into between 4 June 2020 and 31 December 2020.

The commonwealth government are seeking states to administer the HomeBuilder grant scheme within their individual jurisdictions. The national partnership agreement on HomeBuilder has been developed to facilitate the implementation of the scheme. The national partnership agreement on HomeBuilder requires jurisdictions to take reasonable steps to ensure that the eligibility criteria have been met and that there are appropriate integrity measures in place, including auditing and compliance processes. Where possible, states are requested to align these processes with existing arrangements for FHOG.

The FHOG is administered under the FHOG Act. The same act has also been used to administer other housing assistance programs, such as the First Home Bonus Grant and the First Home Owners Boost in South Australia. Where possible, the relevant provisions of the FHOG Act will be extended to apply to and in relation to an application for a HomeBuilder grant as if it were an

application for an FHOG, subject to modifications and exclusions prescribed by the regulations. Where the provisions of the FHOG Act do not apply to the HomeBuilder grant, entitlement to the grant and the eligibility criteria will instead be determined by the Commissioner of State Taxation and published on a website determined by the commissioner in accordance with the terms of the national partnership agreement on HomeBuilder.

The proposed amendments to the objection provisions of the FHOG Act will address a potential unfairness cited by Executive Senior Member Stevens of the South Australian Civil and Administrative Tribunal in the matter of Anastasia Marinis v the Commissioner of State Taxation at paragraph 78 (it is an unreported decision) and to ensure that South Australia is aligned with all other jurisdictions. New South Wales, Victoria, Queensland, Western Australia, Tasmania and the Northern Territory all permit grant recipients to object to a decision to impose a penalty. Payment of grants has ended in the Australian Capital Territory for transactions entered into after 30 June 2019, notwithstanding the Australian Capital Territory also permits grant recipients to object to a decision to impose a penalty.

The proposed amendments to the debt recovery provisions of the FHOG Act will address a technical anomaly and allow RevenueSA, and consequentially the State of South Australia, to adequately protect its position irrespective of whether a home has been completed on the property for which the grant was paid. Without an amendment to the debt recovery provisions of the FHOG Act, RevenueSA's only option is to pursue relevant debts via criminal prosecution.

I take this opportunity to thank the members of the Master Builders Association and the Housing Industry Association who took the time to meet the Department of Treasury and Finance and RevenueSA and provide valuable feedback on the HomeBuilder grant. I express my appreciation also to the members of this house for agreeing to accommodate the advance of this legislation. I think we are all of the same mind in wanting to utilise, for the benefit of South Australians, the offer on the table from the commonwealth, which the government has agreed to sign up to.

With the commendation and acceptance of this bill, it will enable South Australia to take advantage of that benefit on the table and also to be without penalty themselves because of what inevitably happens in these circumstances, that is, the different thresholds and regimes of eligibility. I thank members for allowing the progress of this matter in this abrogated form and otherwise commend the bill. I have a short explanation of clauses I seek leave to insert 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 First Home and Housing Construction Grants Act 2000

4—Insertion of section 6A

This clause inserts a provision allowing the Act to apply to applications for HomeBuilder grants as if they were applications for first home owner grants (subject to modifications specified in the provision and any others prescribed by the regulations).

5—Amendment of section 25—Objections

This clause extends the objections provision to an applicant or former applicant who is dissatisfied with a decision of the Commissioner to impose a penalty under section 39(2) or (3).

6—Amendment of section 40—Power to recover amount paid in error etc

This clause substitutes a new section 40(3) so that the liability for an amount payable under section 40 will be a first charge on the applicant's interest in the land on which the home was built or was to be built (rather than referring to the applicant's interest in 'the home for which the first home owner grant was sought').

Schedule 1—Transitional provisions

1—Transitional provision

This transitional provision clarifies that an objection allowed by clause 5 of the measure may only be made in respect of a decision made after the commencement of that clause.

The Hon. S.C. MULLIGHAN (Lee) (11:09): I rise to speak on behalf of the opposition about the First Home and Housing Construction Grants (Miscellaneous) Amendment Bill introduced with some haste by the government, understandably so. This is a scheme recently announced by the federal government as part of their efforts to try to provide some economic stimulus to the economy, given the significantly suppressed levels of economic activity and employment that we are seeing as a result of the restrictions required for the coronavirus response.

The bill makes a relatively small number of amendments to the First Home and Housing Construction Grants Act 2000, which members may recall was introduced to give effect to a first-home grant, just as the goods and services tax reform was to be introduced. There was significant concern about the impact on house prices and housing affordability as a result of the introduction of that tax, particularly for first-home buyers, and so a grant scheme was introduced. If my memory serves me correctly, I think it was initially funded by the federal government, or at least partly funded by the federal government, and then at a later date taken over by the states.

That grant has taken many different forms over the last 20 years. It has been a $7,000 grant, it has been a grant that has been available for the purchase of existing homes and it has been a grant that has been available for the purchase of new homes and for the construction of new homes. At the moment, it is only available for eligible first-home buyers who are looking at building a new house or buying a newly constructed house, and that recognises the economic benefits of housing construction in South Australia.

There are significant economic benefits of housing construction. There are nearly 70,000 people employed in South Australia, or, I should say, there were nearly 70,000 people employed in the construction industry in South Australia before the coronavirus. Like many other industries, the construction industry has taken a hit in activity and also in levels of employment. That is not just happening here, of course; it is happening around the country, hence you can understand, in that context, why the federal government has been motivated to introduce this scheme.

The HomeBuilder scheme provides a $25,000 grant towards a new home build of up to $700,000, including land, or towards significant renovations valued at at least $150,000, up to a limit of $750,000, where the property's value does not exceed $1.5 million. These, in the context of the South Australian housing market, are heady numbers. It certainly would not be everyone who, in the middle of a pandemic and with concern for their own economic circumstances, would be incentivised to proceed with a $150,000 renovation to their home, even with the offer of a $25,000 kicker from the federal government.

The program across the country is expected to provide 27,000 grants at a total cost of $680 million, with the scheme expected to add in total only 10,000 new properties—10,000 housing construction efforts and 17,000 renovation efforts. In South Australia, if you figure that we would capture somewhere in the order of our proportional share of that, maybe we would end up with something in the order of 2,000 or 2,500 renovations or home constructions.

It is good, I think, that the federal government is doing something in this space. Members would recall that I have spoken previously about how important it is to recognise the federal government's willingness to step in with increases to the JobSeeker payments and the new JobKeeper payments, and I think that sentiment can be carried over here for the HomeBuilder scheme.

Of course, many people, myself included, would query the parameters of this scheme, whether it is well targeted. These thresholds, as I have just mentioned, seem quite high and quite significant in the context of the South Australian housing market. Perhaps there could have been some effort from the federal government to allow some discretion amongst state governments to better target what sort of renovations and home builds this money could be used for. On the other hand, I also appreciate the desire for national consistency and clarity about how much the cost of this scheme would be in total for the federal government.

In the current dire economic circumstances in which we find ourselves in South Australia and across the country, I think it would be foolish to look a gift horse like this in the mouth. So it is in that context as well that this opposition says that we are willing to support this bill and support it speedily in its passage through this house. I received a briefing on this yesterday from the Department of Treasury and Finance and the Treasurer's office where I indicated willingness to consider moving through all stages of this today.

That has somehow translated itself into the Treasurer of the other place telling his upper house whipping meeting that he had spoken with me directly and we had already agreed to the arrangements both down here and up there. Nonetheless, here we are with a commitment to consider this. I want to say a couple of things, though, about government assistance in this area at this time in the state's economic struggles.

It has been well publicised that we have lost over 50,000 jobs in South Australia over the last three months due to the restrictions imposed on business and the community in the need to try to stop the spread of the coronavirus. Governments across the country have moved to introduce economic stimulus packages of varying types with different initiatives in them to try to support economic activity in their jurisdictions.

In South Australia, the government has long trumpeted that it announced initially $350 million of economic stimulus spending in the second week of March and then a further $650 million two or three weeks later. Of that $1 billion, we have had the Premier confirm in the media that by no stretch is all of that money new money to the forward estimates. Much of that funding was already allocated to existing initiatives for agencies across the forward estimates.

I have placed on the *Notice Paper* each sitting week questions on notice to the government to try to get some answers about how much of those announced figures of $350 million and $650 million are actually newly committed expenditure, as opposed to existing initiatives merely pulled forward as admitted by the Premier. We still do not have a response—a breach of standing orders, I believe, or sessional orders, which perhaps might need to be raised in another format to attract the attention of the Premier, although we understand in the last 24 hours his plate is rather full at the moment.

We do have some responses from the Department of Treasury and Finance, who appeared at a Budget and Finance Committee hearing—a select committee of the other place—where they provided the first and only detail we have had on breaking down the two funds that were announced: the Business and Jobs Support Fund, which was to be allocated $300 million by the government; and the Community and Jobs Support Fund, which was to be allocated $250 million from that. As at 14 May, which of course is six weeks or so out of date, the government was still to allocate nearly $260 million of its announced stimulus funding: $94 million from the Business and Jobs Support Fund and $163 million from the Community and Jobs Support Fund.

I would have thought, as the monthly employment figures are released by the ABS and as the fortnightly wages figures are released by the ABS and the full horror of the impact on the state's employment market becomes clear—not only losing more than 50,000 jobs over a three-month period but now reaching more than 180,000 South Australians unemployed or underemployed—that the government would be moving with more alacrity when allocating these funds, which it claims to have set aside in the state budget, let alone getting them out the door. We also heard evidence in the Budget and Finance Committee that there is no minister responsible for overseeing the expenditure of these funds out into the community.

You can understand why those people employed in the construction industry are very worried about their futures. They know that there has been a role for state and federal governments over the last 20 years at least to step in and support their industry through things like the First Home Owner Grant, through things like stamp duty reductions or exemptions at different times for first-home buyers and perhaps for people at the other end of the housing ownership experience, perhaps to downsize their homes.

You can understand, when they hear reports that $¼ billion remains unallocated for economic stimulus funding from this government, them asking why on earth the state government is not putting its own funds in to try to also stimulate the housing construction industry. We had a

government announcement late last year, just before Christmas, by the housing minister and by the Premier that purported to be a massive housing stimulus. We were told of 1,000 new homes over a 10-year period or, on average, 100 homes a year and the repackaging of already budgeted for housing maintenance money to be spent to stimulate the housing industry.

Agreeing to fund 100 houses a year over the next 10 years is not really an economic stimulus. To rely on that when questions are raised about what the government is doing to support the housing construction sector is simply not good enough. This government has funds available, so we are told by the Under Treasurer, or at least it did as of several weeks ago, and it has an industry crying out for more support.

You only had to listen to the evidence given to yesterday's Budget and Finance Committee to hear the frustration of the housing construction representatives that their industry had suffered a significant downturn already before the coronavirus. As of early 2018, home construction has continued to decline in South Australia. To some extent, some people have been willing to engage in home renovations and that has kept some tradies busy, but certainly the housing industry is under significant stress, and it is regrettable that the government in South Australia continues to refuse to put its hand in its pocket to take some of these funds that it claims are available as part of its stimulus packages and put them towards this industry.

Repeatedly, the opposition has called on the government to do just that. We have suggested a temporary suspension of stamp duty for first-home buyers to try to encourage them to make the decision to enter the housing market now, particularly at a time when we have the lowest interest rates on record, or at least the lowest interest rates for many, many decades. That in itself, particularly if it was quarantined for new home builds or purchases of newly constructed homes, would provide some further stimulus to the industry.

We had also asked that there be no further increases to fees and charges in this sector, as well as of course all other sectors. After making that request of the government, after putting out that suggestion about how the government could continue to support people while they are doing it tough at the moment, the government, for the first time in memory, without a press conference and without a press release, snuck out its annual increase to fees and charges.

That was particularly hard felt by tradies in the housing construction industries because of course last year they suffered a 10 per cent, in many cases, or a 5 per cent increase in the fees and charges they have to pay each year, whether it is for registration, whether it is for licensing, whether it is for vehicle registration, whether it is for the registration of other vehicles like trailers, and so on. So we have seen over the last 12 months repeated efforts by this government to make life harder for this industry, rather than make it easier.

I would implore the government again to remove its figurative finger and get on with the job of assisting the housing construction industry because, as those housing industry representatives so accurately put it, it is not just the people who pour the foundations, put up the framework, lay the bricks or install the electrical cabling or the plumbing, or do the first and second finishes, who do the roofing, the landscaping, the fencing and so on; it is also the people who are buying that home, who are then taking ownership of it and need to fill that home with furnishings, with whitegoods and so on. That provides a tremendous benefit to all those retailers who sell homewares and electrical goods in South Australia, which, arguably, down the track provides some benefit to the state because 10 per cent of that being paid in GST eventually partially makes its way back into the state's coffers as well.

So many thousands of jobs are supported throughout the South Australian economy when the housing construction industry is doing well. I think the government has an opportunity to do far more here, and without additional support from the state government the government can expect to hear not just calls from the opposition for them to do more but also the ongoing criticisms of those housing industry representatives whose pleas to do more the government continues to ignore.

Other states around the country, when it comes to housing stimulus packages, are of course meeting this challenge. Western Australia have provided $20,000 grants and also stamp duty rebates. They are constructing new social housing dwellings and so on. Similarly, this is also happening in Queensland and Tasmania. New South Wales have focused the $¼ billion dollars that

they are providing on housing maintenance, and Victoria similarly is looking at additional maintenance spending and rapid housing response projects, particularly for people who are at risk—Aboriginal Victorians or people experiencing homelessness and leaving state government services. These are different examples of what is happening around the nation with other states that are doing what we are not doing here and that is providing more support for the housing industry.

Of course, as I mentioned earlier, we still have a First Home Owner Grant, or whatever it is called these days, which tends to support somewhere in the order of 2,500 to 3,000 people a year. If that support, which costs in the order of $40 million or $45 million a year, were extended or doubled, for example, then we could be basically doubling the level of assistance that we expect to get from the commonwealth through their grant program.

We have heard recently from the Housing Industry Association that building numbers are expected to be down by 65,000 homes this year across the country, and the Master Builders Association forecasts a 40 per cent decline in home construction activity next financial year, resulting in roughly 60,000 fewer dwellings to be built, so both the MBA and the HIA nationally are forecasting significant downturns for the industry. We heard from the local leadership of the Master Builders Association only yesterday in the Budget and Finance Committee. They said:

> We have been saying for some time that obviously in particular the housing and commercial sectors were being severely challenged, and that was before COVID-19 even hit this country. We are off a low base already, let alone the economic impacts and the effect on the economy that the current situation has caused. When you come off a low base already and the predictions were that we weren't going to be doing that well this year and next year, this has just compounded the situation even further.

In relation to the dwelling commencements, the Master Builders Association of South Australia expects a decline of about 38 per cent and, while HomeBuilder may plug some of that decline, it certainly will not cover it all. Mr Markos went on to say:

> We have put plenty of submissions in to the government. We have had conversations, obviously, with the Treasurer around this, coupled with eliminating stamp duty for first homebuyers, and increasing the First Home Owner Grant for country people in particular. That would help country employment. More tradies would be out there building more homes. But, at this stage, it is the government's policy that there will be no reduction in stamp duty whatsoever and there will be no increase to the First Home Owner Grant or any increase specifically for country regions, which is disappointing.

The Master Builders of South Australia believes that, if the state government matched the HomeBuilder scheme, it would enable a further 2,000 to 3,000 houses to be built, which would help fill the hole currently being generated by COVID-19, an estimate basically the same as the one I just provided. The Housing Industry Association has also stressed the urgency of housing stimulus by stating that the pipeline of current work is predicted to begin to dry up in August, with some smaller builders reporting that they have only four to six weeks of work ahead of them. Stephen Knight from the Housing Industry Association stated yesterday that they expect a 30 per cent decline in the next few months.

As I said, the contribution of housing and construction to the economy is very, very significant and it is the National Housing Finance and Investment Corporation's research unit that anticipates it has the second largest economic multiplier of all 114 industries that make up the Australian economy and that, for every $1 million spent on residential construction, nine jobs are supported while three new ones are created. The building jobs report, which draws on the most recent available data from the 2017-18 ABS statistics, found that for $1 million of output in residential construction it supports about $2.9 million worth of consumption across the broader economy.

In that context, we know that there is a significant benefit to be had by further assisting the housing construction industry. Josh Frydenberg and Scott Morrison are doing it in their own way. As I said, some people will draw some criticism about the parameters of the scheme, but it is a scheme that should be supported nonetheless. The question remains: why is the state government not doing something here that can support this industry further?

We have already seen the government here delay responding to calls to support industries. It was very early on in the COVID restrictions that the Leader of the Opposition, the member for Croydon, and I visited the Kings Head Hotel calling for more support for the tourism and hospitality sectors. We have seen those sectors, particularly in tourism, absolutely decimated in terms of activity,

and we have seen hospitality venues across the state struggle dreadfully with the restrictions that have been imposed on them.

Of course, we understand the need for those restrictions, but the fact remains that if the government is going to come and shut down your business then I do not think it is unreasonable that the government should be providing a reasonable level of support to those industries, as well as a well-articulated pathway to being able to reopen those businesses.

It was only a couple of Sundays ago that I stood with the owner of one of the small venues in Leigh Street, five weeks after the Premier had claimed that he would find a solution for those small venues, and it took a further two weeks, particularly for those operators to be calling for the government to act, not so much in terms of financial assistance but to reopen their premises. I hope that this is another occasion where, if there is sufficient pressure from the opposition, if there is sufficient pressure from business owners and operators, the government will heed the call to do more to support the housing industry.

We know that if enough pressure can be applied to this government then they will fold, just as we have seen on the plan to abolish 1,000 bus stops and cut dozens of bus routes. We hope that ongoing pressure here might provide a brighter future for the many thousands of South Australians who are employed in the housing construction industry and that whatever benefit is to be achieved from the federal government's HomeBuilder scheme can be multiplied with support from the state government.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:37): I wish to thank the opposition for an indication of their support to the bill, which will facilitate this initiative announced by the commonwealth government and which has been formalised in the national partnership agreement on HomeBuilder.

For the record, the importance of this agreement in relation to who it is to apply to, how much and what obligations there are for the scrutiny and the formal responsibilities of each party in the reporting arrangements, people can view for themselves. However, I bring to the attention of the house the significance of the eligibility of the party that is subject to the principles of eligibility, which are as follows:

> 12. Owner-occupiers may only receive the HomeBuilder grant once. In addition, States should have regard to whether the property was previously built or renovated with assistance from a HomeBuilder grant, as it is intended that grants will only be made available once per title.
>
> 13. Eligible owner-occupier(s) will be the natural person(s) who is/are listed on the certificate of title of the property and resides or intends to reside at the property.
>
> 13.1 Where applicable, States should also have regard to their existing requirements for policies such as first home owner grants, in order to align definitions.

I have referred to that already.

> 13.2 Applicants must either be a single natural person, or two natural persons in a couple.
>
> 14. In determining whether a property is a person's principle place of residence, States should have regard to the duration of time an individual will be remaining in the property.
>
> 14.1 Where applicable, States should also have regard to their existing requirements for policies such as First Home Owner Grants, in order to align definitions. Evidence of this may be a statutory declaration from the applicant.

I have referred to the time frames and the value of properties for which the building contract must be between so I will not refer to those again.

We have heard from the opposition, in their usual manner, about the importance of fiscal responsibility and laced with examples of them not being fiscally responsible in demands for contributions, to which they had 16 years to contribute. The stakeholders in this industry have not been silent in that time. It seems that the opposition have a newfound generosity in what they consider to be appropriate; this fell on deaf ears for 16 years.

I point that out because although the housing industry, as we all know, is a valuable contributor to our economy, the administration of former Tasmanian premier Will Hodgman is, I think,

a masterful and demonstrably successful policy development for the economic redevelopment of that state with the use of the housing industry. A housing-led economic recovery was a key plank in that administration and it worked. It was operational and clearly and demonstrably effective during the time of the previous government.

I thank Will Hodgman for his leadership in this regard. I think he gave a contemporary and effective identification of the significance of the industry and how it can be a very positive player in economic recovery. As we have experienced the circumstances of COVID across the world and in this country, it ought to be a leading example of how we apply this to the benefit. It can be immediate. Some will say that any of these initiatives can produce unhelpful outcomes, such as the risk of an increase in the value of property and dwellings.

However, we are in a situation where there is a demand for economic recovery stimulus. We should look at the housing industry as something that is available and is keen to operate. When we consider the fact that South Australia is clearly on the move and keen to have a policy of population growth and economic recovery and advancement—not just to get back where we were, but to continue to grow—we think this is a good idea. That is why our Treasurer has signed up to it as part of a plank of recovery measures.

The opposition has seen fit to suggest the dire declining forecast from the industry of a 40 per cent drop in approvals. We have heard of the potential decline; that is always a concern, and we need to watch it. However, to give some confidence to the house on how resilient this industry has been, even during COVID, I just wish to place on the record the most recent data on building approvals for April 2020 as compared with April 2019. Housing approvals dropped 1.2 per cent, and other dwellings, which I am advised largely relates to apartments and flats, have actually risen by 4.6 per cent.

I do not know why people in South Australia are choosing to invest in apartments as distinct from detached dwellings or houses. It may be that there is a renewed interest by the X and Y generations in different types of accommodation and that they are the buyers; I do not have a profile on who the purchasers are in this regard. Even without this initiative, there has been a slight drop in relation to housing approvals but quite a significant increase for other dwellings. It does demand of us some further consideration of that data in order to be satisfied, as a government, in the policy initiatives we might consider in terms of how we might advance this industry.

This is not a situation, as depicted by the shadow treasurer, where, if it were not for some maintenance and renovation, tradespeople in this industry would be in dire circumstances. The fact is they are still continuing to build, and I am comforted by this information, as I think the house should be. This industry has demonstrated a level of resilience. It might actually be building a slightly different product or moving towards that, but is it for us to make a judgement regarding how people choose to develop the accommodation and shelter they propose in the 21st century? I think not.

We have had to accept, over decades, the changed needs for accommodation: more single residence dwellings, more circumstances where the numbers in households and families have significantly reduced—which relates, of course, to the fact that we have fewer children or our children have fewer children in the 21st century. We have to consider, accommodate and support industries that will build shelter and accommodation for what the next generations want.

In addition, we have to understand and have respect for—as we do on this side of the house—the dwellings of choice of others in our community, including our mature aged who, post direct family responsibilities, may be looking for dwellings that are smaller, more nimble in the sense of maintenance and with the capacity to lock up if there is a choice to travel and the like.

Whilst there has been a bit of an impediment on that in recent months, I am sure people in that bracket are looking for the opportunity to travel again. They will, and that is great, but they also do not want to have to pay for the maintenance of family homes. They are looking for a different style of dwelling, and it is up to the industry to design and build those, to provide for that demand as our population moves through its areas of responsibility and makes choices about the types of dwellings they want.

Unlike the doom and despair promoted by the opposition, I congratulate the industry on its resilience. Of course, as a member of government I acknowledge that forecasts are to be looked at

and borne in mind, but we are confident that this is an industry that has demonstrated resilience and that continues to demonstrate that. We will continue to work with the commonwealth government, and our Premier will continue to work during the COVID recovery under the federal council, to try to make sure we complement that.

I agree with the shadow treasurer that it is important to consider what other jurisdictions do in this space, particularly if they are successful, but I can honestly say that I think the most successful to date has been former premier Will Hodgman, and I thank him for his leadership in this regard. This government has demonstrated its commitment to put the industry in a position where it has the capacity to develop those options.

I do not think there are any other immediate matters I can raise. I know some commentary was made in a contribution to this debate regarding the demands of the hospitality industry. As the person in charge of liquor licensing, by the Attorney-General's role under the stewardship, on a day-to-day basis, of Commissioner Soulio, I am very proud of what our government has announced in relation to support for those industries during the COVID period, and the advance of outdoor permitted areas for small bars, for which a number of applications have been received and approved.

This government will go down in history as doing more for Leigh Street than the Manchurian pear trees that the former government put in and then ripped up within a couple of years. They probably died—I do not know. They seemed to be another piece of infrastructure or contribution, or one of those light-bulb moment decisions, and then that failed. We are very proud of the contribution that we have made in this regard. With those few comments, I commend the bill to the house.

Bill read a second time.

LEGAL PRACTITIONERS (SENIOR AND QUEEN'S COUNSEL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 June 2020.)

Mr TEAGUE (Heysen) (11:51): I am delighted to rise to make what will be some very brief remarks in support of the bill. It will insert a new part 7 in the Legal Practitioners Act, with the effect of providing a means by which those Senior Counsel who have been appointed by the court in the now familiar way may be appointed as Queen's Counsel. Mr Speaker will recall that since 2008 it has been the practice in relation to the appointment of silk in this state that the court do that. That was a reform during the time of the then chief justice, the Hon. John Doyle AC, QC, and that process carried on until recently.

It has been a matter of some considerable import for the profession over that period that the several hundred years old tradition of precedence at the bar that is signified by appointment as Queen's Counsel or as King's Counsel, as the case may be, is one that ought to continue to be recognised. As members will recall, Francis Bacon was the first to have been given that special precedence, being designated Queen's Counsel Extraordinary in 1597. He was styled King's Counsel in 1603, as I understand it, and we have since developed what has been a very proud tradition of Queen's Counsel and King's Counsel over the hundreds of years that have followed.

The bill will provide for those who would seek that designation to ask for the Attorney-General to do so and provide, importantly in my view, that in that case the Attorney-General must act in accord with that will for the senior practitioner to be designated QC or KC, as the case may be. That is so as to avoid any reinstatement or any introduction of political favour in an appointment process that ought to be transparently and demonstrably independent of any political process.

We know that the process by which senior members of the profession make their applications is one characterised by transparency, by consultation and by a process in which the applicant for silk—the applicant to be recognised as Senior Counsel—is recognised by their peers and, relevantly, by the judiciary and other interested members of the profession so that there can be the utmost confidence in the process. I note with some regret that there has been only one recent exception to that that comes to mind—that of the somewhat belated appointment of the former attorney in late 2016.

That historical journey illustrates that the usual process in this regard is one of ensuring that there is a high level of transparency, that there is a great deal of confidence among the profession and the judiciary and those who apply and that they are appropriately recognised. The point I want to emphasise in all of this is that this is indeed a tradition many hundreds of years old and that there is an undoubted level of prestige associated with the designation.

However, it needs to be really emphasised and made very clear that the profession, and the particular aspects of advanced advocacy that are recognised in those who are these days appointed QC, is a very practical one. It recognises that that advocate commands the respect of clients and professions, the judiciary, alike, sufficient that they would attract work of the relevant complexity and seriousness, so much so that it is the normal course for Senior Counsel not to appear without a junior for the most part.

This highlights again the nature of the work that those counsel put up their hand to attract. They say, 'I am ready to be a senior practitioner who is going to attract this most complex and difficult work and I seek recognition for that purpose.' Yes, there is prestige associated with it, but there is also a great deal of responsibility and, if I might say, practical commercial risk in taking that step because one needs to continue to command the work that the designation dictates.

We know that over those hundreds of years the title of QC and KC has come to be well recognised. There is a degree of concern among the profession, and rightly, that the designation SC, a more modern phenomenon, does not carry quite the same level of recognition, particularly globally, so in that respect there is a degree of recognition of the brand, if one will, about that matter. Being able to, if the practitioner wishes, return to the designation of QC will permit that wider recognition of a level of seniority.

The observation has been made as well that to some extent it has come to be a practice among law firms to bestow on practitioners who might not be a partner of a firm but might be a senior lawyer within a firm with a designation of 'special counsel'. That is well understood around the profession. I do not know that it is necessarily a title that is universal. I have seen that it has come into use in the last decade or so. It is certainly not something that those in the profession would ever confuse one for the other, but I can understand that there might be the potential for confusion out there in the wider market.

Suffice to say, the emphasis here really ought to be, as always, on matters of substance rather than matters of form. As a proud member of the profession myself for over 20 years now, and the last 15 years at the bar, I can say without any shadow of a doubt that those who apply and are appointed as SC and as QC at the bar are really very clearly those who have demonstrated their capacity to take on those roles. For those who would wish to seek the designation in the future by reference to this bill, I certainly understand and respect that, as I do respect those who may not wish to take advantage of the opportunity for the designation. With those brief words, I commend the bill to the house.

Mr PICTON (Kaurna) (12:02): I indicate that I am the lead speaker for the opposition. I rise to speak on this interesting piece of legislation, the Legal Practitioners (Senior and Queen's Counsel) Amendment Bill 2020, which I note, as we start this parliamentary week, is the second highest priority bill for the government to progress in this parliament. At this time of a global pandemic, at this time of economic shock waves, the second highest priority bill for the parliament this week is about the title of Senior Counsel and Queen's Counsel at the bar, which is a pretty incredible decision by the government, that this is of such high priority for our state parliament to be considering at this time.

As I said, I am the lead speaker and I am representing the Hon. Kyam Maher, our shadow attorney-general. This is a bill on which the opposition will be considering further its position between the houses for its final position, but this is something where the Attorney-General has said a lot of things about this bill that do not always stack up, and she has failed to say others that have a great deal of importance to this issue. The Attorney's first interesting comment was that this is an issue that is apparently not a priority for the government, even though, of course, they are now listing it as a priority.

Despite this assertion, here we are debating this bill in the parliament as their second priority for the week. This does not happen without the government deciding to give it priority. In the other

place they are debating a request from the Chief Magistrate to help with court efficiency that first came before the parliament in 2017. From 2017 to now, that has been waiting to be progressed. Things that make our courts more efficient are left to rot for two or three years with this government, but this current bill about the title of Senior Counsel and Queen's Counsel has progressed in only a matter of months.

It is clear where the government's priorities lie, regardless of the Attorney's assertions. For something that is apparently not a priority, according to the Attorney, it is surprising that she made the journey from her ministerial suite to personally brief the Leader of the Opposition in the other place and our shadow attorney-general on this issue.

I understand that it is only the second time that she has personally briefed the opposition shadow attorney-general on a piece of legislation. Most of the bills that we have been dealing with, including the COVID emergency pieces of legislation, have been the subject of video meetings with staffers and officials, but for this piece of legislation the Attorney-General took pity on this apparently low priority bill and gave it her highest priority by coming over and giving it her personal treatment. We will be expecting other similar personal briefings from the Attorney on other supposedly low priority bills in the future. In the Attorney's second reading explanation, she also said:

> This society actually undertook a survey of all of its members in the legal profession in response to the question of whether there should be an option for a Senior Counsel to become a Queen's Counsel. An astonishing 67.26 per cent of the respondents answered in favour. I am advised by the Law Society that there were 843 respondents of the 3,444 admitted members of the profession.
>
> This bill offers choice. It reflects a clear position of a majority of the legal profession in South Australia...

I now understand why the Attorney was overlooked for the role of treasurer, given that some 843 people out of 3,444 admitted members of the profession is not a majority; it is 24.4 per cent, or less than a quarter. Of the less than a quarter who responded, 67.26 per cent—that is just over two-thirds—were in favour. I discovered that two-thirds of one-quarter equals one-sixth, so in that case the total number who expressed their positive support came in at about 16 per cent of admitted members. That means that over 80 per cent of members of the profession are either opposed or have not expressed a view.

The Attorney ran a process last year and offered those who had been made Senior Counsel since 2008 the chance to convert their titles to Queen's Counsel, such is the priority she has given to this very important issue—a landmark issue for her. Thirty-nine people were eligible and 17 of those 39 applied. That is less than half, so just 43.6 per cent of those who could change in a heartbeat decided to jump from SC to QC. So, when the Attorney says that this bill reflects 'a clear position of a majority of the legal profession', you can have about as much confidence in her assertion that this is apparently not a priority for the government: put simply, little to none. Neither claim stands up to scrutiny.

Claims about low priorities ring very hollow when the government is seeking to have a matter voted on in parliament. The Attorney made these wobbly claims when she has letters from the Chief Justice of the Supreme Court that express his continued objection to her proposal and representing the views of the court as well. This is not the first time we have had very serious letters from the Chief Justice to the parliament via the Attorney-General expressing direct opposition of the Chief Justice and the court to the Attorney's own views.

I distinctly remember that happening on the occasion of her Court of Appeal bill as well and now we have it again here where the Supreme Court is voicing its very strong opposition to the Attorney on this matter. It is not just any member of the Law Society who happened to read the newsletter or respond. This is the view of the Chief Justice, the highest judge in South Australia. The Attorney-General did not think it was worth repeating those views in the chamber because it is not her view.

As we have seen with FOI legislation and a raft of other matters, the Attorney is somewhere between economical and obstructionist with information about the views of stakeholders when it comes to legislation. In this case, the Chief Justice made a specific point of requesting that his correspondence be provided to the opposition and to the crossbench. It speaks volumes that the

Chief Justice had to demand that our highest law officer share his expert written views about her legislation proposals with other legislators.

The letters from the Chief Justice even suggested constitutional issues and that her proposal would weaken, and I quote the Chief Justice, 'the independence of both the legal profession and the judiciary'. These comments, whilst coming from just one member of the profession, at least warrant consideration and a response from the government.

This bill impacts a very small group within a small subsection of a specific profession in our community. It is not just lawyers. You do not just have to be a lawyer to apply and you do not just have to be a barrister within the ranks of lawyers for this to apply: you need to be a lawyer who is a senior barrister and who has been recognised by the court to be affected by this bill. This is a very small subset of a profession that we are dealing with in this legislation. That said, this measure may also affect the bills that are sent to a small number of customers after they engage a senior barrister to act for them.

In regard to what exactly the bill is attempting to do, it proposes three new clauses and some transitional provisions for the Legal Practitioners Act 1981. The first new proposed section would allow the Chief Justice of the Supreme Court to appoint persons in the legal community—namely, barristers—to the position of Senior Counsel. This is interesting, as the Chief Justice does not require the permission of the Legal Practitioners Act nor the permission of parliament to make such an appointment. The Chief Justice already has the right to do this through the rules of the court, which are made by the justices of the Supreme Court.

The second new clause would give the Attorney-General a direct role to play. Once a person has been appointed as a Senior Counsel, they can then apply to the Attorney-General to request that they be appointed as a Queen's Counsel instead of a Senior Counsel. In short, they are asking for a title change. Upon such a request, the Attorney-General must recommend to the Governor to appoint them as a Queen's Counsel. This is then granted by the Governor and a notice appears in the *Gazette*. At the stroke of a pen, the person is no longer a Senior Counsel but a newly minted QC.

The third clause states that the Chief Justice can revoke the appointment of a Senior Counsel or a Queen's Counsel, and this must be published in the *Gazette*. It also states that a person who is a Senior Counsel or a Queen's Counsel can resign from their appointment by notifying the Chief Justice, who must also publish this in the *Gazette*. The bill also contains transitional provisions, which recognise previous appointments of Senior Counsel and Queen's Counsel before the commencement of these new provisions. This is to allow any current Senior Counsel to make an application to the Attorney-General to be known as a Queen's Counsel after the bill is enacted.

The Attorney-General stated in her second reading explanation last sitting week that this is an important reform but then stated:

> …it has not been a bill that was the immediate priority of the government, we have had sustained advocacy from the relevant parties over the last two years.

This sustained advocacy has been in the form of the South Australian Bar Association and, to a lesser extent, the Law Society. We have no qualms with lobbying from interested parties, but what is objectionable is the government giving serious priority to this bill at this time and claiming that it somehow fell onto the *Notice Paper* without them having anything to do with it, that it is not them who have put this as the second priority for this sitting week. We are in the midst of a worldwide pandemic with spiralling unemployment, and many families are not sure what the future holds. But do not panic: the government is here to help with a bill to change the titles of a very small section of the community from Senior Counsel to Queen's Counsel. Well, that will help.

I cannot tell you the number of times I have been down to the Seaford shopping centre and had people raise with me at stalls the importance of dealing with this very important issue of Senior Counsel and Queen's Counsel. I cannot tell you that because it has never actually happened. This is of such small importance to the vast majority of South Australians at this time of great upheaval in the world, and we are using parliament's time to deal with this matter. It shows what a lack of an agenda this government has.

Whether you are a Senior Counsel or a Queen's Counsel, that appointment permits you to charge a premium for your time because you are considered eminent in your field by your peers. I have to say that we are blessed with some very learned Senior Counsel in this state, people who have well earned the title of Senior Counsel or Queen's Counsel. They are well able to charge a premium for that because of the significant skills that they bring before the legal profession and before the courts.

But, from a party that espouses free markets and market forces, you would expect more faith in how the market will determine whether or not a person is a QC or an SC. I would have thought that people would look at the merits of that person as opposed to whether they had a Q or an S in their title, particularly given the vast majority of their clients would know exactly what those titles mean and know exactly what they are paying for in terms of the ability of those barristers.

I have to also think that some of the highest senior barristers around the country, particularly those in New South Wales, are SCs, and the merits of an SC are well understood across the country. The Attorney-General has said this reform is important because it is, and I quote, 'a key tenet of our justice agenda to build the capacity in our legal sector in this state'. That is interesting because I thought it was a low priority, but now it is a 'key tenet' of their justice agenda. I am confused as to whether or not this is a key priority.

Saying that this is a key tenet of their justice agenda comes from the Attorney-General, who shut down the Welfare Rights Centre after almost 30 years. This is from the Attorney-General who just stripped $2.3 million from the Victim Support Service that helps people through traumatic court experiences. This is from the Attorney-General who left court efficiency measures wallowing for nearly three years. Why? Because when the Attorney-General talks about building capacity in our legal system, I do not think you can believe her as much as you can as to whether this is a high priority or a low priority.

What evidence is there that allowing the use of the Queen's title would add to the profession? The government have said they have undertaken no modelling. They have admitted that there has been no modelling undertaken. They have not collated and compared the earnings of SCs and QCs in this state. This is not the first time the issue of Senior Counsel versus Queen's Counsel has arisen in this state or others. In 2008, the former Rann Labor government, in consultation with the former chief justice, the Hon. John Doyle, reached an understanding to adopt the use of the title of Senior Counsel instead of Queen's Counsel.

That was back in the time when government consulted, talked with and reached understandings with the Supreme Court Chief Justice, which does not seem to happen these days. The then chief justice indicated that the Supreme Court would amend its own practice directions to reflect these changes and the government revoked the regulations appointing Queen's Counsel. These changes achieved the reinforcement of the independence of both the legal profession and the judiciary. Since that time, for over a decade, the process has operated in this way without government or parliamentary intrusion into what is and should be a matter for the legal profession.

None of these issues mean that we could not and should not reconsider our position, but they do raise serious questions about the Attorney-General's conduct in this matter. The Attorney-General argues that other jurisdictions have reinstated the usage of the title Queen's Counsel. Well, the facts can be revealing. Only two out of a possible eight jurisdictions have sought to reverse the trend back to Queen's Counsel, they being Queensland and Victoria. The remainder all retain usage of the title Senior Counsel, with no plans to alter that position. New South Wales, the oldest and largest legal profession in the country, has used the title Senior Counsel since 1993. I think even our previous royal commissioner for the Murray-Darling Basin was an SC, whom the Attorney-General of course knows well.

In 2013-14, the New South Wales Bar Association undertook a comprehensive review of this very question. It decided to keep the title of Senior Counsel and continues so to this day. Arguments raised in support of a return to Queen's Counsel all seem to suggest that if you are not a Queen's Counsel you are somehow disadvantaged. The argument that the title of Senior Counsel commercially disadvantages those counsel seeking to work interstate or overseas certainly has some

questions about it. Both Singapore, since 1989, and Hong Kong, since 1997, use the title Senior Counsel and they are legal markets that are open to Australian barristers.

To some in the community, the Queen's Counsel may be seen as anachronistic; however, I note that we have many anachronistic hangovers in our society. The Attorney has failed to produce evidence that Senior Counsel are not getting the briefs because they cannot compete as Senior Counsel. The evidence appears anecdotal at best.

Labor will not be voting against this bill in this house but is carefully considering our position when it is debated in the other place. Notwithstanding this, the government and the parliament should be focused on more important matters of state at this time for debate. More time and resources should be spent addressing public transport, jobs, the economy, health and infrastructure, for instance. The government should consider progressing multiple matters it has promised to act on in the past two years.

You have to question how much time and resources the government and the Attorney-General have spent on this piece of legislation for a change of one word in the title of a very small number of people: public servants from the Attorney-General's own department, the Office of Parliamentary Counsel, members of parliament, their staff and, of course, the Attorney-General, who has devoted her own time to this subject. I shudder to think of the billable hours for this matter, and so should the Attorney-General. There are more important items that should be on the government's justice agenda and we encourage the government to bring them on.

Ms BEDFORD (Florey) (12:21): This may not appear to be a very big issue for most of my constituents; however, I do want to make a brief second reading contribution to this bill. The bill strikes me as a rather boutique issue which could have better been handled without coming to this parliament. To be frank, whether a lawyer can get the honorific title of QC or SC is something pretty much irrelevant to the daily lives of the 25,000 or so people I represent in the electorate of Florey, unless they happen to be charged with a matter or a serious offence that is progressed to the Supreme Court. Most of my constituents would not really be able to afford either a QC or an SC without the help of legal aid.

This bill will not make it easier to pay the mortgage or the next electricity bill. It will not make it easier for them to find secure and well-paid work. It will not help their children to get a good education. It will not help them when they need acute care at the local public hospital or to be advanced up the queue for long-overdue elective surgery. In short, this bill is not time-sensitive, to my knowledge, and it is not an issue for South Australians at a time when we confront the dual challenges of a once-in-a-generation pandemic and the first recession in 30 years.

The best that can be said is the timing of this bill is curious and it perplexes me how this has become a priority for the parliament. We have many issues of great importance to debate and, as I understand it, this proposal still does not have the support of the Chief Justice or the judges of the Supreme Court. It seems rather remarkable we are now debating a legislative proposal that will affect about 30 or so individual barristers when the issue could just as easily have been dealt with—and has in fact been dealt with—in the Supreme Court Rules.

I also want to raise some concerns about this proposal. Firstly, and the Attorney-General may wish to clarify this in committee, I understand the proposal to allow SCs to convert their titles to QCs is a proposal not supported by the judges of the Supreme Court as a matter of principle. Secondly, I note the Chief Justice, on behalf of the judges of the Supreme Court, has also cogently articulated constitutional and other concerns about the proposal, which would potentially trespass on the separation of powers.

I would like to quote from the Chief Justice's letter of 2 October 2018 and published, I think, in part or in full in InDaily on 17 January 2019. It is addressed to the Attorney-General and it is headed 'SA Bar Association proposal for the appointment of Queen's Counsel'. The letter states:

> I refer to your letter of 7 September 2018. I thank you for giving me the opportunity to put my views on the proposal of the South Australian Bar Association… after I informed you of my opposition to it. The SA Bar has asked the Judges to inform it in writing of their opposition to the proposal and their reasons for it. Accordingly, I have forwarded a copy of this letter to Mr Hoffmann QC.

The Judges oppose the proposal. When in 2008 the government of the day, at the request of the then Chief Justice, the Honourable John Doyle, agreed to end the practice of appointing Queen's Counsel in the exercise of the prerogative, the independence of both the legal profession and the judiciary was strengthened. Restoration of the title will weaken it.

The SA Bar's proposal (the proposal) assumes that if the Executive were to adopt the proposal, the Judges of the Court would continue to make appointments of Senior Counsel and not require an undertaking from Senior Counsel not to seek an appointment as Queen's Counsel. The Judges have expressly refrained from considering their response should the proposal be adopted by the Executive. It should not be assumed that if the SA Bar's proposal were adopted that the Judges would facilitate it. The Judges of the Supreme Court cannot be co-opted by others into a scheme of their making.

In the past appointments to the office of Queen's Counsel have been governed by a regulation made by proclamation in the exercise of a prerogative power which is attached herewith. That regulation did not allow a direct application by individuals but required the appointment to be made on the advice of the Chief Justice. The Judges will not give any such advice to the Governor through the Attorney-General. It would be a curious development if this prerogative, which is so intrinsically connected to the administration of justice, were to be exercised not on the recommendation of the Judges but on the application of an individual or his or her professional association.

The appointment of Queen's and King's Counsel has its genesis in a time when the Crown was much more directly involved in exercising judicial power and influencing the decisions of the Judges of its courts. They were appointed to give advice to the Crown on matters including decisions in capital cases and the controversial exercise by the Crown of a purported prerogative to dispense with the Acts of Parliament. Appointment as King's and Queen's counsel constituted a permanent general and exclusive retainer and until 1920 it was necessary for King's Counsel to obtain a licence to appear for a defendant in a criminal case.

In contrast, the modern obligation of Senior Counsel is to generally be available to accept a brief from whosoever chooses to instruct them. Indeed the purpose of the undertaking of practice at the independent Bar, which my predecessor the Honourable Len King first required of Queen's Counsel, and which the Court now requires of Senior Counsel, is to ensure that Senior Counsel are not only, or primarily, available to clients of particular law firms.

I have also attached herewith a copy of the standard form of Letters Patent by which appointments to the office of Queen's Counsel were made.

It can be seen from the Letters Patent that from a 21st century perspective the office of Queen's or King's Counsel is an anachronism. The Letters Patent purport to grant 'Our said counsel' precedence in rights of appearance before the courts. The courts would not now ever recognise the Executive's bestowal of an order of precedence on counsel of its choosing in judicial proceedings.

The independence of the judiciary is a cornerstone of liberal democratic government. It is well recognised that an independent legal profession promotes access to justice for the community as a whole. The independence of the legal profession also buttresses the independence of the judiciary. In *D'Orta-Ekenaike v Victorian Legal Aid* McHugh J observed:

'The independence of the Bar in large therefore secures the independence of the judiciary. It seems highly unlikely that public confidence in the administration of justice could be maintained at its present level if the administration of justice in all its aspects was a government monopoly.

Hence, there is an undeniable public interest in the maintenance of an independent Bar that, within the limits imposed by the adversarial system of justice, assists in achieving an efficient and economical system of justice.'

The appointment of Senior Counsel recognises their pre-eminence at the Bar and their leadership of the profession. For that reason the Rules of this Court allow higher rates for Senior Counsel. Appointment by the Judges, after extensive consultation, provides an objective indication to the community of the pre-eminent members of the independent Bar. In that respect the appointment of Senior Counsel goes some way to correct the information asymmetry in the legal services market on the relative skills of barristers.

The connection between the appointment of Senior Counsel and the costs rules made pursuant to the *Supreme Court Act 1935* (SA) provides a statutory basis for Part 12 of the Supplementary Rules of this Court. The appointment of Senior Counsel by Supreme Courts in Australia is of relatively recent origins. In this State it commenced with the making of a Supreme Court Practice Direction (amendment No 9) of 12 May 2008. The Rules for the appointment of Senior Counsel made by the Supreme Courts of some States and Territories, and the contemporary constitutional independence of the Courts from the Executive, raise the question whether the Crown prerogative to appoint Queen's Counsel has been abrogated.

That constitutional question aside, in light of the modern developments, the conferral of a prerogative title on persons already appointed as Senior Counsel by this Court pursuant to its Rules signifies nothing more than the conferral of Executive favour. It cannot and will not confer any precedence in the courts which the courts would not otherwise give. It can confer no right to a higher taxation of costs than that which pertains to the office of Senior Counsel.

I make the following observations about several of the arguments in support of the proposed scheme made to the Notice of Motion put to the Annual General Meeting of the SA Bar.

The complaint that the post-nominal SC is not as well-known as the post-nominal QC is difficult to accept. The Judges have not noticed any such thing. Senior Counsel appointed since 2008 regularly appear in the Full Court and Court of Criminal Appeal as lead counsel. Solicitors seem to have no hesitation in briefing Senior Counsel to appear against Queen's Counsel. It is not unusual for the leaders to be a Senior Counsel on both sides of the bar table. All of that is not surprising because there are many more Senior Counsel actively practising at the SA Bar than there are Queen's Counsel. There are a number of Judges of the District Court who were Senior Counsel before their appointment. Justice Doyle and I were both Senior Counsel before our appointments to this Court.

Solicitors and counsel have had since 2008 to explain the significance of the title Senior Counsel. There is no reason to think that South Australia's legal practitioners have not been up to the job of explaining both the change of nomenclature and the important matters of principle underpinning that change, in the decade since they were made. Moreover, in the event of a change in the gender of the sovereign on any succession, a similar explanatory exercise is required.

The Judges have not seen any evidence that litigants have been misled by legal practitioners in solicitors' firms who describe themselves as special counsel.

As to the perception that an 'SC' is in some way perceived as a lesser appointment, that is not supported by the experience in New South Wales. As I understand it, admittedly on the same sort of anecdotal evidence on which the argument put in the Notice of Motion relies, in New South Wales, the title of QC, is more often seen as quaint than superior.

Contrary to the implication in the Notice of Motion, there is no Australia-wide trend to return to the office of QC. In recent times Victoria and Queensland have reverted to the past practice but New South Wales has not. I am not aware of any evidence that Senior Counsel in New South Wales have more difficulty in obtaining briefs nationally or internationally than Queen's Counsel in Victoria and Queensland. The office of Senior Counsel appointed by the courts remains the position in Tasmania, Western Australia and the Territories. Hong Kong and Singapore, which are international centres of commercial litigation, appoint Senior Counsel. In Hong Kong the appointment is made by the Supreme Court and in Singapore by the Academy of Law.

You refer in your letter to the possibility of the direct appointment of Queen's Counsel on the Attorney-General's recommendation of persons who have not been appointed Senior Counsel. I was not aware before your correspondence that you were considering such a proposal. For the following reasons I counsel against it.

First, if the proposal is that the Attorney-General himself or herself will personally assess applicants for Queen's Counsel, then serious questions will arise as to the credibility of the appointment. I understand that for some time in New South Wales, when the Attorney-General reserved the right to make appointments beyond those recommended by the Supreme Court, some silks came to be referred to as 'political silks' to signify that the title was not truly deserved.

Secondly, if the proposal is that the Judges will be consulted by the Attorney-General before making a recommendation to the Governor then, again, it should not be assumed that the Judges would participate in such a scheme. If the proposal is that the Attorney-General will consult with the SA Bar, the Law Society, or both professional associations, I warn that, without the involvement of the judiciary, doubts may still arise as to the merit of the particular appointments. It is my experience that quite strong differences can arise on the merit of some applicants. Resolutions of those controversies by the Judges are generally accepted because of the authority of the Court. Decisions made on contested applications by the Attorney-General, the SA Bar and the Law Society will not carry the same authority. They will be both contestable and controversial. Such controversies have arisen in New South Wales and Victoria where the appointment process is controlled by the Bar itself. It is difficult to understand why a government would wish to embroil itself in public controversy on matters which properly pertain to the administration of justice by the courts.

I note your invitation to the Judges' to comment to you about the current selection process for Senior Counsel. It is a process which is in the control of the Supreme Court. The Judges have recently consulted with the profession, and other courts, and have reformed the process. The process is not perfect but it is better than any alternative. The amended Rules have been promulgated. They are enclosed.

I wish to emphasise the importance of this matter to the Judges. It is a matter on which I, as Chief Justice, would feel bound to make public comment.

The letter is signed by the Hon. Chris Kourakis, who is the Chief Justice.

The letter is detailed and contains very strong language. It also raises very legitimate questions which I believe, for full transparency, the Attorney-General should answer before this house, or indeed the other place, determines whether or not to support this bill. Disagreement, perhaps even antagonism, between the judiciary and the executive, particularly the first law officer of the executive government, should rightly be a concern for this house. I, for one, am very concerned that passage of this bill could exacerbate this, and I look for the Attorney to provide assurance on

this in the committee stage. The Chief Justice's correspondence raises many questions, and I will list some of them now:

- Does the government agree restoration of the title of QC will weaken the independence of the legal profession and the judiciary, and how does this bill address those concerns?
- Has the Attorney-General given any regard to the statement the Supreme Court will not be co-opted by others into a scheme of their making?
- Does the Attorney-General concede the use of the prerogative power to appoint Queen's Counsel or King's Counsel without the input of the judiciary would be a 'curious development', as the Chief Justice states?
- Does the Attorney-General accept the role of Queen's Counsel or King's Counsel is to provide counsel to the monarch and is intrinsically different from the role of Senior Counsel, as outlined in the rules of the Supreme Court?
- How does the Attorney-General respond to the Chief Justice's comment that the title of QC or KC is an anachronism?
- How does the Attorney-General respond to the statement by the Chief Justice, 'The courts would not now ever recognise the executive's bestowal of an order of precedence on counsel of its choosing in judicial proceedings'?
- Can the Attorney-General share what advice she has received which addresses the constitutional validity of this bill having regard to the Chief Justice's comment there is a legitimate question as to whether the Crown prerogative to appoint Queen's Counsel has been abrogated?
- Can the Attorney-General guarantee to this house this bill will not be held constitutionally invalid?
- Can the Attorney-General outline her response to the statement by the Chief Justice, and I quote, 'The complaint that the postnominal SC is not as well known as the postnominal QC is difficult to accept'?
- Can the Attorney-General respond to the Chief Justice's point that appointment as a QC in New South Wales is seen as 'quaint rather than superior'?
- How many commonwealth jurisdictions outside Australia retain the title of QC rather than SC?
- How many Australian jurisdictions still confer the title of QC?
- Can the Attorney-General indicate what the government would do if the judges of the Supreme Court refused to cooperate with the scheme established by this bill, if passed?
- If the Supreme Court imposes an obligation on new SCs not to seek the title of QC, would this not render this legislation entirely moot and inoperative as anyone seeking such appointment would, by virtue of breach of undertaking, be likely struck off the list of SCs and therefore no longer be eligible for conferral of the title of QC?
- Can the Attorney-General provide assurances to the house, where an application made for conferral of the title of QC on an SC is opposed by the Chief Justice, on consultation under this bill, that the government would not proceed to make that appointment?

It happens I do not have a strong view one way or the other on what the title should be for a legal practitioner of this rank. I can see the merit of both arguments. But I am very concerned about a proposal which may exacerbate antagonism between the judiciary and the executive. I am very concerned about a bill which may be constitutionally invalid and I am very concerned about a bill which, if the Chief Justice's words are to be taken at face value, will be rendered inoperative in practice anyway.

I have spoken to many legal acquaintances whose opinion I value and it would be fair to say there have been many differing views, some held very passionately and some who might have raised the gender issue but did not. However, I believe there is a disparity that could warrant scrutiny in this particular area. My understanding is that there are 38 men and six women, both QC and SC, at the bar in South Australia. Again, that is another curious aspect of this bill.

In the end, though, what I personally cannot understand is why we would maintain a system with two different types of titles. But again, perhaps we will all come to understand this in the committee stage. With those remarks, I look forward to being engaged in that stage.

Debate adjourned on motion of Mr Pederick.

FIRST HOME AND HOUSING CONSTRUCTION GRANTS (MISCELLANEOUS) AMENDMENT BILL

Message from Governor

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

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:39): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LEGAL PRACTITIONERS (SENIOR AND QUEEN'S COUNSEL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr PEDERICK (Hammond) (12:39): I rise to make a contribution to the Legal Practitioners (Senior and Queen's Counsel) Amendment Bill 2020. There has been some interesting debate today in regard to the bill. It sets out the process by which legal practitioners who have been appointed as Senior Counsel (SC) by the Supreme Court will be appointed as Queen's Counsel (QC).

The model proposed allows the Supreme Court of South Australia to appoint legal practitioners as SC in accordance with its rules. Any person who has been or will in the future be appointed by the court as SC may, if they choose, make a request to the Attorney-General for a recommendation to the Governor to be appointed as QC, or King's Counsel as the case may be at some time in the future. Upon the application being made, the Attorney-General must recommend to the Governor that the legal practitioner be appointed as QC and the Governor may, by notice in the *Gazette,* appoint a legal practitioner as QC.

Any existing or future SC who does not wish to apply for appointment as QC will continue to be known as SC and will be entitled to use the postnominal SC, and the order of precedence for SC appointed as QC will continue to be determined in accordance with the date and terms of his or her appointment as SC. The background to this goes back to 2008, when the former government, at the request of the then chief justice His Honour John Doyle AC, ceased the appointment of Queen's Counsel. This was following a consistent trend across Australian jurisdictions to discontinue the use of the QC designation in preference to the Senior Counsel (SC) title.

The appointment of SC in South Australia commenced on 12 May 2008, with the making of the Supreme Court Practice Direction Amendment No. 4 to be precise, and was governed by chapter 7, part 12, of the Supreme Court Civil Supplementary Rules 2014. The supplementary rules provide that applications for appointment as SC are to be considered by the Chief Justice in consultation with an advisory committee of three judges of the Supreme Court, as well as broader consultation more generally with other relevant bodies within the legal profession, including the Attorney-General.

In recent years, a number of jurisdictions have reinstated the use of the QC title following strong support amongst the legal profession. In 2013, Queensland reverted to the QC title, and in 2014 Victoria made changes to give SC the option of applying to the Attorney-General to be recommended for appointment as QC by the Governor in Council or to continue using the SC title. On 1 August 2018, the South Australian Bar Association (the SA bar) passed a motion at its annual general meeting expressing strong support for reinstatement of the QC or Queen's Counsel title.

The proposal was based on a similar model in Victoria, which allows SC to remain as SC or elect to be appointed as QC. A survey was also put to all members of the legal profession in South Australia by the Law Society. This survey yielded favourable results, with over 67 per cent of respondents answering in favour of there being a choice between Senior Counsel and Queen's Counsel. There were 843 respondents, and the survey was sent to all 3,444 admitted members of the society—for example, those who hold or have held a practising certificate.

The profession has supported an option to allow for an SC to be a QC on the basis that there was a widespread misconception amongst the general public, and it is the experience of some South Australian SC, that the SC title is less well known and regarded than the QC title, which is universally recognised. There is a concern amongst other Australian jurisdictions that the SC title places Australian SC at a commercial disadvantage when competing for international briefs, particularly in the Asia-Pacific region, where the SC title is less well known.

There is confusion amongst the public about the differences between the rank of SC that is conferred by the court and in-house counsel, who are self-described as 'special counsel' or SC. In early 2019, the government approved the reinstatement of the Queen's Counsel title in South Australia to give current and future SC the option of being able to apply to the Attorney-General to be recommended for appointment as QC by the Governor in Executive Council. This was then effected by a change in Supreme Court rules, which would not allow for the appointment of an SC or QC beyond 1 May 2019.

Between February and May, however, the Attorney-General wrote to the SA Bar Association advising of the government's position and inviting requests from Senior Counsel for recommendation by the Governor as QC: 17 Senior Counsel out of 39 appointed since 2008 sought QC or Queen's Counsel appointment. On 26 April 2019, the appointment of the 17 SC as QC was gazetted. Since that time, work has been done to implement a legislative model, detailed above, to allow both the retention of appointments of SC by the Supreme Court and the option for those who would like to use the QC title to request that of the Attorney-General.

The draft bill was provided to the Chief Justice, the Bar Association and the Law Society for comment. The SA bar has also briefed the opposition in regard to this proposal, without providing a copy of the bill, and we note that there seems to be initial support from the opposition. Currently, the bill is drafted to ensure the Attorney-General of the day must recommend to the Governor any Senior Counsel who requests to become a Queen's Counsel, and we need to have that debate in committee to see where it lands.

It is an interesting debate. I know that the member for Kaurna talks about the importance of this bill in the current state of affairs in South Australia. I do not think we are doing too bad a job, with the Premier running at 87 per cent popularity. I commend the Premier and our government for the work we have done in this state, working alongside Professor Nicola Spurrier, the Chief Public Health Officer, and also Grant Stevens, the Commissioner of Police. We are doing a great job here, but we still need to get on with the job.

I say to all members in this place that when we have had to get coronavirus or COVID-19 legislation through this house we diligently presented it and got it through to make sure that we keep South Australia on track. We have to keep on track because there are issues elsewhere in the country, noting the problems Victoria has. I note the assistance that we, other states and the Army are giving Victoria to stem the increasing testing rates of COVID-19 and the increase in people testing positive to COVID-19 in Victoria.

I salute all the Australian jurisdictions that are coming to the aid of Victoria because we are in a good place. Australia has been a place that has been well protected, partly because of its

isolation as an island. We have seen ourselves as islands in the different states. I cannot remember the numbers but I think there was an over 90 per cent approval rating for Western Australian Premier Mark McGowan for the way he has manned the Western Australian borders. We have certainly started opening the gate to Western Australia, Northern Territory, Tasmania and Queensland, but we do have to be diligent.

We have just brought in some people on an international flight and we have had three positive tests. We knew that was more than likely to happen with people coming in from overseas. We are doing the diligent things we have to do in regard to the coronavirus. I reckon South Australia is the best spot not just in this country but in the world to be while this global pandemic is on as we see the problems unrolling around the world.

I will get back to this legislation because we still need to do the bread-and-butter work of the parliament and pass the appropriate legislation. In regard to the appointments of Senior Counsel, I want to reflect on the former member for Enfield who became a Senior Counsel in 2016, which was a rather interesting circumstance considering he was the Attorney-General of the day. There were some interesting comments made around that time. This is going back to November 2016:

> The state's Attorney-General—

who was the former member for Enfield—

> has been appointed to one of the highest positions within the legal profession—one for which, under the Supreme Court own rules, he has right of consultation…John Rau was one of six lawyers appointed Senior Counsel—the modern version of the title Queen's Counsel—by Supreme Court Justice Chris Kourakis.

This article goes on to say that Mr Rau's new title came on top of other portfolios, including Deputy Premier, and stewardship of numerous portfolios, including child reform, planning and industrial relations.

There was quite a lot of speculation at the time that the former member for Enfield was going through the process of applying for a job after working in this place, and there was much speculation within the legal fraternity in this state that he wanted to head up the District Court when Chief Judge Geoffrey Muecke retired. From the opposition at the time, we certainly made it known that we thought it was an appalling and unacceptable process, given the role of the attorney-general at the time, Mr Rau, in the consultation process.

I want to make comment about some of the other people who were also named Senior Counsel at the same time. There was Graham Edmonds-Wilson, Scott Henchliffe, Emily Telfer, Simon Ower and Michael Wait. I want to reflect on Graham Edmonds-Wilson. I wrote a letter of congratulations to Graham because he is a product of Coomandook Area School like me. I do not get any letters after my name.

The Hon. V.A. Chapman: You became a shearer.

Mr PEDERICK: I became a shearer, the Attorney says; that is exactly right, so I only got 'S', I did not make it 'SC'—Adrian Pederick S.

The Hon. V.A. Chapman: Shearing champion!

Mr PEDERICK: 'Shearing champion', the Attorney says; I am not sure about that either. A lot of people would dispute that, Attorney.

The Hon. L.W.K. Bignell: The Attorney's dad was a shearing champion. He is in the Parndana hall of fame.

Mr PEDERICK: Absolutely! I do not think it matters where you come from in this place—and I have proved it with the many friendships I have made across the house—if you have worked in the sheds you always have a common bond. I want to again comment on Graham's ascension to SC and, speaking about shearing, I sheared for his family for many years. It just goes to show that not all of us rise to those lofty heights of SC coming from Coomandook Area School, but I certainly congratulated him at the time on getting there. He was always a very studious character, a very smart man, and I congratulate him on that appointment.

In a statement [at the time] the Courts Administration Authority said Mr Rau and his peers were the first SCs appointed under changes to the Supreme Court (Civil) Supplementary Rules (2014). Previously, SCs were selected by the Chief Justice—that responsibility is now held 'collectively' by the entire bench of the Supreme Court. 'Senior Counsel hold important positions in the legal profession,' the statement reads. 'Criteria for selection include legal learning, experience and skill in advocacy, integrity, availability to prospective clients and independence.'

I know there were a lot of questions asked by the opposition (which we were at the time) in regard to the former member for Enfield John Rau's availability for prospective clients considering what would have been an extensive workload as the attorney-general for the state. Be that as it may:

Lawyers seeking to be named SC must lodge written application with the Chief Justice's chambers before June 30. Those who are unsuccessful are automatically reconsidered the following year. The rules name the Attorney-General as one of 16 individuals who receive, as soon as practicable after June 30, a list of SC applicants and a copy of their applications. They also name the Attorney-General 'or his nominee' as one of nine individuals involved in subsequent consultation regarding the nominees.

I am assuming the former member for Enfield consulted himself about his nomination. I know at the time there was some media interest seeking:

…comment from Chief Justice Kourakis as to whether Mr Rau received the list and copies of the application, and whether he was involved in consultation.

At the time, it was interesting and some of the members on the other side would have needed a map. The Labor Party, the government of the day, were in Coober Pedy for country cabinet, but John Rau gave a statement, and I quote:

'I am honoured to be appointed by the Judges of the Supreme Court,' he said. 'I look forward to continuing to work with the judiciary and the profession as Attorney-General.'

So interesting times. I note that the current Attorney, who was the deputy opposition leader at the time, made the following comments, and I quote:

'It's disgraceful...how can a man who has overseen the Gillman disaster and child protection reform even have the audacity to apply to be an SC?' she said. 'He is not 'available' and he does not have other key attributes which are part of the criteria...he's not 'independent', unless he's looking for a new job. 'It's disgusting that his application was even considered and not put in the bin.'

The Hon. V.A. Chapman: It wasn't me who said that.

Mr PEDERICK: It wasn't you?

The Hon. V.A. Chapman interjecting:

Mr PEDERICK: Yes, the previous quote, that's right. Comments were made at the time that perhaps Mr Rau should have disqualified himself. So some interesting times, how people have been raised to the lofty profession of Senior Counsel, which with the passing of this legislation when it happens can go through to Queen's Counsel. Let's hope it is a fair way down the track yet before we need to change the postnominal to King's Counsel but, as we know with the royal family and life, it will happen one day.

Hopefully, this bill will straighten up and fix the roundabout of what happened when people were titled Senior Counsel, and it will bring them back to the role of Queen's Counsel. I hope we have speedy passage of the Legal Practitioners (Senior and Queen's Counsel) Amendment Bill 2020.

Debate adjourned on motion of Hon. V.A. Chapman.

Sitting suspended from 12:59 to 14:15

Members

MEMBER'S ATTIRE

The SPEAKER: I have allowed the member for West Torrens to bring in his Liverpool merchandise this week. It was better than a tattoo.

Bills

LABOUR HIRE LICENSING (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

LIQUOR LICENSING (LIQUOR PRODUCTION AND SALES LICENCE) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Petitions

NORTH-SOUTH CORRIDOR TUNNEL

The Hon. A. KOUTSANTONIS (West Torrens): Presented a petition signed by 759 residents of South Australia requesting the house to urge the government to endorse a tunnel for the section of road between Darlington and the Torrens River.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Premier (Hon. S.S. Marshall)—

Emergency Services Funding (Declaration of Levy and Area and Land Use Factors) Notice—2020
Emergency Services Funding (Declaration of Levy for Vehicles and Vessels) Notice—2020
Tandanya National Aboriginal Culture Institute Inc.—Annual Report 2018-19
Regulations made under the following Acts—
Emergency Services Funding—
Remissions—Land—Miscellaneous
Remissions—Motor Vehicles and Vessels—Miscellaneous
Public Sector—Regional Landscape Boards

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

Regulations made under the following Acts—
Births, Deaths and Marriages Registration—Surrogacy
COVID-19 Emergency Response—
Section 14—No. 2
Section 16—No. 1
Environment, Resources and Development Court—General
Family Relationships—Surrogacy
Relationships Register—Surrogacy
Surrogacy—General

By the Minister for Transport, Infrastructure and Local Government (Hon. S.K. Knoll)—

Regulations made under the following Acts—
Local Government—General—Ministerial Notice

By the Minister for Planning (Hon. S.K. Knoll)—

Regulations made under the following Acts—
Planning, Development and Infrastructure—

General—Miscellaneous
Swimming Pool Safety—Construction of Safety Features
Transitional Provisions—Miscellaneous

By the Minister for Education (Hon. J.A.W. Gardner)—

Regulations made under the following Acts—
Controlled Substances—Poisons—Electronic Prescriptions
Education and Children's Services—Fees Notice

By the Minister for Energy and Mining (Hon. D.C. van Holst Pellekaan)—

Regulations made under the following Acts—
National Energy Retail Law (South Australia)—Local Provisions

By the Minister for Primary Industries and Regional Development (Hon. T.J. Whetstone)—

South Australian Commercial Blue Crab Fishery—Management Plan July 2020 Report
Regulations made under the following Acts—
Aquaculture—Fee Notice
Fisheries Management—Fee Notice—Fishery Licence and Boat and Device Registration Application and Annual Fees

By the Minister for Environment and Water (Hon. D.J. Speirs)—

Regulations made under the following Acts—
Landscape South Australia—
General
Water Management

Members

MEMBERS, ACCOMMODATION ALLOWANCES, SPEAKER'S STATEMENT

The SPEAKER (14:08): Before I move to questions without notice, I refer members to the joint media release put out yesterday by the President of the Legislative Council and by me that provided an individual breakdown of country members' accommodation allowance information.

Further to the concerns raised about transparency regarding the detailed members' allowance information administered by the parliament, the President of the Legislative Council and I have taken the unprecedented decision to release the individual breakdown of country members' accommodation allowance information for financial years 2018-19 and 2019-20. This obviously covers the full financial years, a period of time I have been Speaker of the House.

This level of detail is unprecedented and, as outlined in the media release, this should provide full transparency regarding the accountability of the parliament's administration of country members' accommodation allowances.

Mr Malinauskas interjecting:

The SPEAKER: Leader, if you speak while I am speaking you will walk alone today outside for a while. Please let me finish.

While it has never been the practice of previous presiding officers of either house to release this level of information, we felt it now incumbent on the parliament to release this level of detail to provide full transparency and to remove any confusion. I would anticipate that this kind of reporting would also continue for subsequent financial years going forward and be perhaps be included in the annual reports of the respective houses.

I have also sought further information from the Clerk regarding the provision of detailed country members' accommodation allowance information to supplement this information, including

having regard to what other jurisdictions around Australia are also doing. I did want to provide members with that update.

Question Time

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:10): My question is to the Premier. Will the Premier join me in calling for the immediate release of all country members' accommodation allowance individual claim forms and declarations submitted from 20 March 2010 through to 30 June 2020?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:10): Of course, that is a matter not for me as the parliamentary leader of the Liberal Party. That is a matter for the President of the Legislative Council and, of course, yourself, sir.

I must say that I am absolutely delighted that you have agreed to release the 2017-18 and 2018-19 years and given an indication that yourself and the President will be releasing these details on an ongoing basis. We know that before we came to government no such transparency was afforded, and so we do commend you for your decision to make these available.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:11): My question is to the Premier, again. Why won't the Premier request the President of the Legislative Council and the Speaker of the House of Assembly to release all country members' accommodation allowance claim forms and declarations that have been submitted from 20 March 2010 through to 30 June 2020?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:11): I refer the leader to my previous answer.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:11): My question is to you, sir. Will the Speaker release all country members' accommodation allowance claim forms—

The Hon. S.S. Marshall: Literally a minute ago he gave a statement.

The SPEAKER: Order!

The Hon. S.S. Marshall: Why don't you listen to the Speaker?

Mr MALINAUSKAS: Why don't you listen to the question?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Premier is called to order. The member for Morphett is called to order. The Minister for Innovation and Skills is also called to order. I imagine that the Leader of the Opposition has a question for me. I would like to hear it.

Mr MALINAUSKAS: My question is to you, sir.

The Hon. S.S. Marshall: Don't yell at the Speaker. Just be nice.

Mr MALINAUSKAS: Don't hang up on people. Don't go walking out of meetings.

Members interjecting:

The SPEAKER: Members, please! I would like to hear the question. Leader, will I?

Mr MALINAUSKAS: Thank you, sir. I will try again, sir. Will the Speaker release all country members' accommodation allowance claim forms and declarations, each individual one that has been submitted from 20 March 2010 to 30 June 2020 and release them by no later than Friday 3 July 2020?

The Hon. V.A. Chapman: Why didn't you ask Lyn Breuer to do that?

The SPEAKER (14:13): The Deputy Premier makes a valid point. However, interjections are out of order and I call her to order. I also call the Minister for Transport to order.

I believe I did touch on this matter earlier, and I do understand and appreciate the leader's concern in regard to this issue. He would have been able to privately canvass this issue with me. However, it is his prerogative to raise it in this house, like any member can ask questions. I think there is a valid question: why didn't previous parliaments release this information? It's not a question that I have taken lightly. I have obviously reflected, and I believe that what we have released now is certainly the highest level of transparency regarding country members' accommodation information of any presiding member during the history of this parliament.

Will we go back and release information before this parliament? If someone wanted to move a motion at the relevant time and it had the support of the house, then of course I would look at it. But, given how sensitive, significant and retrospective those details are, it would obviously be a significant body of work to also look back on those details and get those details. It would raise several issues. So, whilst I am in the hands of the house to raise a motion to produce such information, I refer the Leader of the Opposition to my earlier statement. I have nothing but respect, let me put on the record, for all presiding members way back, be they Labor, Liberal or otherwise, but they certainly haven't—

An honourable member interjecting:

The SPEAKER: No, I do. I haven't taken the decision lightly, and I refer the leader to my earlier comments. The leader has had three questions; I will give him one more.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:15): Thank you, Mr Speaker. My question is to you again, sir. Will the Speaker release individual country members' allowance claim forms and declarations for the period in which he has been Speaker?

The SPEAKER (14:16): Say that again: individual—

Mr MALINAUSKAS: Individual country members' allowance claim forms and declarations, specifically for the period you have been Speaker of the house, sir.

The Hon. J.A.W. Gardner: Is he going to release your lunch orders too?

The SPEAKER: The Minister for Education is called to order. As I alluded to in my former answer and statements—

There being a disturbance in the strangers' gallery:

The SPEAKER: Yes, he can be up there today. We do have a camera in the gallery; that has been permitted. I refer the Leader of the Opposition to my earlier statements. As I have said, what has been released by the current presiding members has been the highest level of transparency of any presiding member during the history of parliament on this issue. It's not something that we have taken lightly. As I did refer to in my earlier comments, I have tasked the Clerk, if you like, to also have a look at what other parliaments around Australia are furnishing. I would like to see some sort of disclosure on a future basis and it be publicly available.

I do appreciate the issues that have been raised in the other place. We are not ignoring them. They have only been raised to the level that they have in a recent amount of time. We are taking proactive measures. I think the public also expect more proactive disclosure, not less, and it's incumbent on all of us to step up to that standard. But I am not here going to be lectured to by anyone about what former presiding members have done, because they have done less than us on this issue.

Members interjecting:

The SPEAKER: 'Us' being presiding members. However, I do refer the Leader of the Opposition respectfully to my earlier comments. We are having a look at other examples around Australia to see what they do, and I am happy to come back to the house at a future point in time

with those findings. By the way, there's nothing stopping any member at any time from raising a substantive motion as well, leader, as anyone is able to do.

ADELAIDE OVAL HOTEL DEVELOPMENT

Dr HARVEY (Newland) (14:18): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister update the house on the—

Members interjecting:

The SPEAKER: Members on my left, please! I would like to hear the question again.

Dr HARVEY: My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister update the house on the Oval Hotel and how it is creating jobs for South Australians?

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:18): I do thank the member for Newland for his question and note his very strong support for this government's record-breaking infrastructure spend here in South Australia. One of the very early decisions that this government took was to help support the Stadium Management Authority to build a new hotel as part of the Adelaide Oval development. It is fair to say that there were some detractors at the time. There were some people stirring up the pot because they didn't like this investment. Well, the Premier and I had the fantastic pleasure last week to go and inspect the hard work and the handiwork of the Stadium Management Authority in the development of that hotel.

Again, to outline to South Australians, there was a $42 million loan provided by the taxpayers of South Australia, but I can assure South Australians that their money has been well invested and is actually providing a commercial rate of return in relation to that investment. It's not only the financial contribution that the state government and the state taxpayers are going to get back but it's the fact that we are now going to get a fabulous new asset in the heart of Adelaide, helping to improve our tourism offer here in South Australia.

There are 138 rooms, and we had the opportunity to inspect the views from even the most modest room overlooking the Parklands—really using our Parklands to the greatest extent possible to showcase them and, again, the brilliant asset that they are to the people of South Australia—showcasing that as part of this hotel development. In fact, every guest who goes up to the reception area on the mezzanine floor is going to look beyond the reception desk out across, heading east of the Parklands in South Australia.

To be able to turn around and see the cathedral at one side and then turn around to see the CBD on the other side and that beautiful vista in between and the foothills of Adelaide is a fantastic experience and one that is going to add to South Australia's tourism offer. Here we are in the middle of COVID trying to find jobs to help support our economy. We know that infrastructure projects take time to get off the ground, so having the Adelaide Oval Hotel being developed at this time, supporting up to 800 construction jobs, has been a fantastic boon for our economy.

We did make promises to the people of South Australia, and especially to the supporters of our Parklands, that not one blade of grass would be touched as a result of this development and we have kept that promise. I have quizzed Andrew Daniels and the Stadium Management Authority on a very regular basis to ensure that no part of this construction has taken place even by placing temporary equipment on the Parklands—and especially on the grassed areas—to make sure that our beautiful open public space is there, and it is protected.

The other good news is that this is a project that is on time and on budget. It is sad that with the World Cup not proceeding it won't be able to be showcased as part of that, but this is an enduring asset for the people of South Australia and one that is going to help encourage events to come to Adelaide Oval, as well as the broader public.

The great news is that as of last Thursday bookings are being taken, with a very special introductory rate, for South Australians to be able to get in and experience this brilliant new facility supported by South Australian taxpayers, supported by this government, to help grow our economy here in South Australia. This is an example of a project that had its detractors within this parliament, but this is a government that's getting on with the job of growing jobs here in South Australia and also delivering the better South Australian future that we promised at the last election.

The Hon. S.C. Mullighan: Rooms for all country MPs.

The SPEAKER: The member for Lee is warned. If this continues, he will be leaving today.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:22): My question is to the Premier. Can the Premier assure the house that all members of the Liberal Party who have been claiming the country members' accommodation allowance are doing so legitimately?

The Hon. S.K. KNOLL: Point of order, Mr Speaker: that question pertains to matters for which members are not responsible to the house.

The SPEAKER: Mr Clerk, can we pause the clock. I'm going to allow the question. It was asked of the Premier, but what I'm going to do is—I can anticipate what may happen here—I'm going to make a ruling on section 96 in the event that it occurs. If a private member was asked a question in relation to these matters, I just want to make a ruling; so I have paused the clock.

Only rarely are questions directed to private members, and even if they have been disallowed for contravention of the strict limitations imposed by standing orders, but also practice, standing order 96, paragraph 2, states:

> 2. questions may be put to other Members but only if such questions relate to any Bill, motion or other public business for which those Members, in the opinion of the Speaker, are responsible to the House.

The principle underlying the practice is clear: ministers have an authority derived from the Crown, and members appointed to chair committees of this house exercise an authority derived from the parliament and are both accountable to the house for the exercise of that delegated authority. Members are not responsible, within the meaning of standing order 96, to the house for their activities as a private member.

There are multiple precedents of this finding to support this well-established practice of the house that regulates the asking of questions to private members. I am referring to the Hon. Mr Such here. While I could have quoted the rulings of a number of former Speakers, I will quote Speaker Such from the *Hansard* of 9 November 2005, page 3909, where he states:

> I remind members to have a look at standing order 96, which precludes members from asking a question of a member unless they hold a position such as minister, chair of a committee, or something like that. Public business is not the same as public interest.

Given the question was asked of the Premier and I have made this ruling, I am going to allow the Premier an opportunity to answer the question.

The Hon. A. KOUTSANTONIS: May I ask a point of clarification, sir?

The SPEAKER: You may.

The Hon. A. KOUTSANTONIS: Are you informing the house that your ruling is that members are not responsible to the house for declarations they have made to the Clerk in the interest of the country members' allowance?

The SPEAKER: I am referring the member for West Torrens to my earlier statement that public business is not the same as public interest.

Parliamentary Procedure

SPEAKER'S RULING, DISSENT

The Hon. A. KOUTSANTONIS (West Torrens) (14:25): I move:

That the Speaker's ruling be disagreed to.

The SPEAKER: Is there a seconder?

Honourable members: Yes, sir.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Yes, because you are trying to cover up corruption.

Members interjecting:

The Hon. A. KOUTSANTONIS: Has anyone stayed at your house, Premier?

The SPEAKER: Is the member for West Torrens able to speak for 10 minutes?

The Hon. A. KOUTSANTONIS: Sir, the idea that this house cannot inquire of private members whether or not they have made applications to this parliament to be reimbursed for the country members' allowance, quite frankly, is not in standing with the standing orders.

Sir, you have let this house down. This house has every right—the people of South Australia have every right—to ask these questions of members. Have they applied in the exact observance of the rules, which entitles them to be paid up to and over $120,000 over return?

The idea that somehow this parliament cannot ask the member for Finniss why it is, all of a sudden, he moved from Mount Compass to Victor Harbor—which happens to be 75 kilometres from the house—is abhorrent. That we cannot ask if members have stayed with the President of the Legislative Council while claiming this allowance, quite frankly, is abhorrent. That we cannot ask members opposite—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —these questions shows that they are covering up corruption.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Let's be clear about this: we are entitled to ask questions. The Premier told the public yesterday that he has been to the house of the President of the Legislative Council, who lives in his electorate, but not inside. We want to ask questions about that. We want to ask questions about members who have applied for this allowance.

We want to ask questions about the member for Narungga, who has stayed at the Hon. Terry Stephens' house. Did he incur an expense when he stayed at that house? Is he paying rent to the Hon. Terry Stephens? He says no. Has he declared this benefit to the house? When you receive a benefit from another member that exceeds $750, you have to declare it to this house. He shook his head and said, no, he did not, but of course, sir, you are denying us our right to ask him that question on the public record.

How much money is the member for Narungga deriving from staying at the MLC Terry Stephens' home rent free? How much benefit has he accrued? Remember, of course, that he can claim a benefit of up to $30,000 a year. Who else has stayed with the Hon. Terry Stephens? Who else has taken advantage of this country members' allowance to enrich themselves at an expense that is not entitled to them by the taxpayer?

The idea that you have just arbitrarily ruled that members of parliament who put their name to an application to this house to be paid are somehow not responsible to this house for that application is, quite frankly, absurd—of course they are. They are also required to explain themselves not only to this house but to the public. The idea that somehow any parliamentarian can derive a secret benefit from the parliament and not have it publicly scrutinised is ridiculous. This is a parliament. You cannot earn that kind of money—

Members interjecting:

The SPEAKER: Order! Members on my right will have an opportunity.

Members interjecting:

The Hon. A. KOUTSANTONIS: —and not declare it. Of course you have to declare it.

Members interjecting:

The SPEAKER: Minister, be quiet. The member for West Torrens has the call. He is entitled to be heard.

The Hon. A. KOUTSANTONIS: You can hear the defence of this behaviour from members opposite interjecting. You can hear it—the protection racket from the Premier down. The protection racket—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —has begun. They have wrapped their arms around—

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

The SPEAKER: Minister for Education!

The Hon. A. KOUTSANTONIS: —the Hon. Terry Stephens because it implicates members of the House of Assembly. They do not want us to ask these questions. The country members' allowance is a very important allowance. It is an allowance that allows country members to come to the parliament and ensure that country people are represented in this parliament. What it is not about is enriching themselves. What it is not about is staying somewhere rent free and incurring no expenses and pocketing the money. That, sir, is corruption. That, sir, is illegal.

We have every right in this parliament to ask the member for Narungga how much rent does he pay the Hon. Terry Stephens when he stays at his house. How much does it cost him to be at his house? What expense does he incur when he drives his taxpayer-funded vehicle to Adelaide and parks it at the Hon. Terry Stephens' house and sleeps there? Why is he claiming $260 a night while he is here? Why can't we scrutinise those payments? Why can't we look at those details? How dare members opposite and, indeed, sir, as much as it troubles me to say this, how dare you, sir, stop asking these questions.

We cannot compel answers from members opposite. We do not have that power. This is not a court. We cannot force members to incriminate themselves.

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. A. KOUTSANTONIS: Yes, as much as I would love to ask the Premier has he really not been inside Terry Stephens' house like he told the public yesterday—

Members interjecting:

The Hon. A. KOUTSANTONIS: Well, good, the Premier has just put on the parliamentary record—

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —that he has not been inside the Hon. Terry Stephens' house—a very, very interesting admission by the Premier. I would also like to ask the Premier a few questions—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I would also like to ask the Premier a few questions about why shouldn't he be publishing every single Liberal MP's—indeed, every single member of his house and the upper house, all the application forms. What is it he is afraid of?

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: What is it he is hiding? Why does he not want us to publish it? What is he afraid of? The best transparency and the best disinfectant is sunshine. Let it all out. Make it all public. All he has to do is release the claim forms.

The Premier's excuse is he just works here. He is not in charge of the party room: he is just the Premier. He just collects a cheque every week as Premier of South Australia. He has no control over his party room. How is it possible that anyone can believe that the Premier of this state cannot tell his party room, using his authority: release everything.

He wants the people of South Australia to believe he is powerless. Well, that is ridiculous. The most powerful person in the Liberal Party is the Premier of the state. Release the documents, release all the documents, release them all.

The Hon. S.K. Knoll interjecting:

The SPEAKER: Minister for Transport, be quiet!

The Hon. A. KOUTSANTONIS: Even worse, what the Premier is doing now is running a protection racket for his members, protecting them from scrutiny. He does not want them asked questions. Why is it—

The Hon. T.J. Whetstone: Take it outside.

The Hon. A. KOUTSANTONIS: Take it outside? A very interesting point. The member for Chaffey says, 'Take it outside.' We have—every single day I make these accusations outside the parliament. The Liberal Party should release all their applications for the country members' allowance. If they have nothing to hide, if they have done nothing wrong, then release them. Why won't they? Why is it?

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Yesterday, I saw two members being questioned by the media. The first was the member for Finniss, being asked questions—

Mr Pederick interjecting:

The SPEAKER: Member for Hammond, please!

The Hon. A. KOUTSANTONIS: —by a journalist. He nearly pulled a hamstring running so fast to get away from that journalist.

The other, the member for Narungga, made a very interesting point. He said repeatedly, over and over again like he was briefed by a lawyer, 'I've incurred expenses. I've incurred expenses. I've incurred expenses.' What expenses has he incurred? What are they? Is it rent? Is it a meal allowance? Does the Hon. Terry Stephens charge him for dinner? What is he charging for electricity, board and rent? We would like to know.

Who else has stayed with the member for Narungga at that house, and why will the Premier not make it public? These come down to the fundamental questions about character and members opposite. Sir, you have a responsibility to this house to allow the opposition to do its job. How the government answers those questions is a matter for them, but we have the right to ask these questions.

We are now in a situation, sir, where you are stopping us from even asking the questions. You are not letting us even pose the questions to members opposite, and as members interject and try to stifle this debate it shows the level of contempt they have for scrutiny. As we try to ask them questions about what is going on, there is a cacophony of noise trying to protect the corruption that is going on within the Liberal Party, the corruption of this country members' allowance.

Let us ask the questions. Let us ask individual members whether they have claimed and why they have claimed, and what expenses they incurred when they claim. Why can we not ask those questions? Of course, the Speaker is saying that he has pulled up some precedent, which quite frankly does not stand. Sir, allow us to ask these questions.

Members interjecting:

The SPEAKER: Order! Before the minister speaks, can I confirm that the motion is seconded? It is seconded. I believe that it was seconded, but it has been seconded again.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:36): I confirm, according to the standing orders, that I will be speaking against this motion. Mr Speaker, in doing so, can I—

Ms Stinson interjecting:

The SPEAKER: Member for Badcoe!

The Hon. S.K. KNOLL: —say that this is a disgusting and baseless slur upon you by a member who ought to know better, and probably does know better, and this faux outrage he is displaying, is nothing more than a performance. He also clearly chooses not to understand how parliament works.

Mr Speaker, your position is one that is directly derived from the Governor himself. In fact, the country members' allowance is something for which the parliament is responsible under your jurisdiction, as opposed to the Premier's jurisdiction, and that tirade blurring the lines between Premier and Speaker I think is something that needs explanation.

In my case, I am happy to make this explanation—that there are differences between the government and the parliament. In fact, the member for West Torrens is often wont to bleat that the parliament is sovereign, yet in his speech he was trying to suggest that the parliament is not sovereign; in fact, the Premier should just tell the Speaker what to do. Well, that is not the way this parliament works. It is not the way that they would want it to work—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —and what we have is a very confused message from the member for West Torrens, who clearly could not get his internal cognitive processes all lined up to actually produce a consistent argument. Standing order 96—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —which has stood in the standing orders for a long period of time, has had rulings from countless Speakers in relation to its application. For the member for West Torrens' awareness, essentially the parliament as a distinct venue for asking questions of private members—those questions should relate to matters that are before the house.

Whether that be bills, whether that be public business, whether that be reports before the house—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —the standing order is there to say that private members can be asked—for instance, if a presiding member who is not a minister has a report that may fall due, a question could be asked about that so that the house can be informed how that parliamentary business is being undertaken in the time frames and all that sort of stuff in relation to that. That is what standing order 96 allows to happen. It is not there to inquire into the private dealings of members. There are many avenues—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: Again, the reason I say 'private members' is that there is a difference between government members and ministers and private members of this house. Because this country members' allowance does not just apply to government members; it actually applies to all members, whether they be opposition or crossbench.

Mr Speaker, what I would say in your defence is that you have been more transparent in the last 48 hours than any Speaker on this topic in the history of the South Australian parliament. This is another example of, 'Do as we say, not as we did.' Again, the outrage from members opposite might have some authenticity if this was something that, when a member of their party sat in your chair, they made the decision to release information. They did not.

Members interjecting:

The SPEAKER: Order!

The Hon. A. Koutsantonis: We don't abuse it.

The SPEAKER: Member for West Torrens!

The Hon. S.K. KNOLL: We have released this information and the Speaker—you, sir—has released this information under this government's tenure. I certainly accept that you have made that determination for the time that you have been Speaker, and I think that that is the right determination, and again it is one that speaks to the transparency of government and of parliament under this government's regime, as opposed to when we have had Labor or other members sitting in this chamber.

Question time is a venue to ask questions of the government. If the member for West Torrens wanted to make other inquiries, there are other bodies that are appropriate to do it. For instance, in relation to the country members' allowance, it is actually something on which the Auditor-General has jurisdiction. Again, that is an appropriate body to be able to look at and inquire into matters such as this.

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: What I would also point out is that much of the tirade from the member for West Torrens actually related to a member who is not even part of this chamber. For members who are a part of other chambers, again it would be quite odd to use this chamber to inquire into. Yet again the member for West Torrens was trying to make that argument.

I do note your statement, Mr Speaker, at the outset today. You confirmed that you have been more transparent than anyone who has ever sat in your chair. I would also confirm that you made a statement that you are looking into and advising about what other jurisdictions do in relation to this matter. What I do not accept and what the government does not accept and what this side of the chamber does not accept is that there should be some baseless smear campaign run by the member for West Torrens, who has form on this issue—

Members interjecting:

The SPEAKER: Order! Member for West Torrens, I know you got a bit but you're giving a bit now too.

The Hon. S.K. KNOLL: —and who has chosen this venue, as opposed to venues outside, to be able to make accusations such that he has. There is a reason why he wants to use this castle to make those accusations, and I think that speaks volumes about that. Again, I think it is something for the member for West Torrens to reflect on.

We will not be lectured on being more transparent than anyone before and you having been more transparent than anyone ever before by those who were less transparent when they had opportunity and when Speakers from their party had opportunity. We will not abide by the hypocrisy of those who ask us to do as they say rather than as they did. But we will do what is right, what is

fair and what is transparent, and I am sure you, sir, will do what is right, fair and transparent in relation to this.

The public of South Australia can know that, since the election of March 2018, they have had a government that has been more open and transparent, whether that be relating to ministers appearing in government advertising, whether that be ministers—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. S.K. KNOLL: —putting alcohol bills on their ministerial credit cards. There is a whole host of ways that this government has been more transparent than any that have come before it, and we will stand by that record and the people of South Australia will judge us on that record, as opposed to what we have just heard from the member for West Torrens, which is nothing more than a stunt designed to smear members of this chamber without any base.

Ms BEDFORD: Point of clarification, sir: before we have the vote, can I just ask you if members can be asked questions themselves under 96(2)? If someone asked themselves a question about their travel allowance, is that going to be allowed or not?

The SPEAKER: I think, respectfully, I will just refer the member for Florey to what I said pretty clearly. I can go through the whole thing again but I stand by what I said earlier.

Ms BEDFORD: So no?

The SPEAKER: A member could make a personal explanation, member for Florey, but they cannot ask a question of themselves.

The house divided on the motion:

Ayes................. 19
Noes 26
Majority 7

AYES

Bettison, Z.L.	Bignell, L.W.K.	Boyer, B.I.
Brown, M.E.	Close, S.E.	Cook, N.F.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A. (teller)	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.
Picton, C.J.	Stinson, J.M.	Szakacs, J.K.
Wortley, D.		

NOES

Basham, D.K.B.	Bedford, F.E.	Brock, G.G.
Chapman, V.A.	Cowdrey, M.J.	Cregan, D.
Duluk, S.	Ellis, F.J.	Gardner, J.A.W.
Harvey, R.M. (teller)	Knoll, S.K.	Luethen, P.
Marshall, S.S.	McBride, N.	Murray, S.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G.
Power, C.	Sanderson, R.	Speirs, D.J.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

Motion thus negatived.

Question Time

AUSTRALIAN CYBER COLLABORATION CENTRE

Mr TEAGUE (Heysen) (14:50): My question is to the Minister for Industry and Skills. Can the minister update the house on the Marshall Liberal government's A3C, the Australian Cyber Collaboration Centre, and the appointment of its first chief executive officer?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:50): I thank the member for Heysen for his question and his interest. Of course, being in commercial and civil law this is a new opportunity for him, as a barrister, if he ever moves on from his parliamentary duties.

Establishing the Australian Cyber Collaboration Centre, the Marshall government has invested $10 million to make South Australia the nation's cyber security leader. The Australian Cyber Collaboration Centre, or the A3C, is located at Lot Fourteen, which is soon becoming the largest innovation neighbourhood in the Southern Hemisphere.

Today, I am pleased to advise the house that the A3C board has appointed its inaugural CE, Mr Hai Tran. Mr Tran is an information security professional with more than 15 years' experience. He is well respected in the information technology industry for his ability to translate technical and security language into plain English, and I am looking forward to hearing him. He was most recently the chief information security officer for the Western Australian police force.

Prior to that, and with true entrepreneurial spirit, he co-founded a drone start-up called Coptercam. His automated drone control system, Aero Ranger, has become a cloud 'software as a service' platform, enabling real-time alerting, vehicle tracking, statistical and predictive data analytics used by governments to assist in reducing road trauma. Mr Tran's experience, his expertise and passion makes him ideal to lead our nation-leading cyber security centre and drive South Australia's cyber security industry.

The Australian Cyber Collaboration Centre features multiple collaboration zones, Australia's largest commercial test range and state-of-the-art facilities. It will be in operation from tomorrow, delivering cyber awareness, training and testing to businesses to increase capability and resilience. The first program to be delivered has been developed by aizoOn, and the University of Adelaide is taking registrations for the Cyber Security Incident Handling and Introduction to Digital Forensics course. I am looking forward to that becoming a regular acronym that we hear in the English language.

The course will give 20 IT professionals a solid understanding of practices, tools and techniques for an effective cyber incident response. Delivered through a combination of webinars and in-person seminars at Lot Fourteen, it has been tailored for Windows and Linux-based operating systems.

It is the first of many collaboration outcomes flowing from the A3C, which is mission-driven and not-for-profit. It is committed to using knowledge and expertise to make the cyberspace safer and more secure, and already a number of business organisations have become partners in the A3C:

- the AustCyber SA Node;
- the Department of Defence, Science and Technology;
- BAE;
- Symantec;
- Dtex Systems;
- the Office for Cyber Security;
- Optus;
- the University of Adelaide;
- the University of South Australia;
- Flinders University; and also

- the large American MITRE Corporation.

The Marshall Liberal government is committed to building a strong cyber security ecosystem here in South Australia. It is already a high demand industry, with 20,000 new job openings expected in Australia over the coming years. Recent high profile cyber attacks on Australian businesses, governments and public databases illustrate just how critical it is to plan for unknown and sophisticated attacks. The A3C is part of the Marshall government's plan to come back stronger than before.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:54): My question is to the Premier. Where does Terry Stephens live?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:54): I don't have the address.

The Hon. V.A. Chapman: Where does Leon Bignell live?

The SPEAKER: Deputy Premier, that had nothing to do with the question, and you are warned.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:54): My question is to the Premier. Has any Liberal MP ever stayed at the Premier's house while claiming the country members' accommodation allowance?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:54): Not that I am aware of, sir.

The SPEAKER: I will allow one more. The member for West Torrens.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:54): My question is to the Premier.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Has the Premier spoken to his party room colleague the Hon. Terry Stephens, President of the Legislative Council, about media reports that he may have been claiming allowances he is not entitled to?

The Hon. S.K. KNOLL: Mr Speaker, I would like you to rule on whether or not this is within the purview of standing order 96.

The SPEAKER: I am going to allow the question. Premier.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:55): Yes, I have spoken with the Hon. Terry Stephens after the media issues were raised.

The SPEAKER: I am switching to—

The Hon. A. Koutsantonis: No-one is up, sir

The SPEAKER: No-one is up, so I will allow one more, and then I will come to the next member.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:55): My question is to the Premier. Given that the Premier has spoken to the President of the Legislative Council, has he counselled him to provide a reconciled breakdown of all the claims for allowance he has made since 2014 to ensure that he's entitled to receive what he has claimed?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:55): I didn't do that, no.

REGIONAL ECONOMIES

Mr TRELOAR (Flinders) (14:55): My question is to the Minister for Environment and Water. Can the minister inform the house about how the environment and water portfolio is contributing to the Marshall Liberal government's commitment to boosting regional economies?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:56): I thank the member for Flinders for his question. I had the pleasure of being able to go along to Eyre Peninsula last week and spend some time travelling around that diverse part of our state and really gaining an even better understanding of what regional South Australia can contribute towards economic development. We know that our regions do so much in the way of holding up our state's economy. They provide so much in the way of value-adding, and under the Marshall Liberal government, they are a real focus—they have been since we formed government, but even more so in the wake of the COVID-19 disaster so to speak.

We need to work with our regions to maximise their productivity to ensure that they continue to provide food and fibre for our state to use both in our nation and to export overseas, but also our regions are an incredible destination, a drawcard in terms of the natural assets that are there, whether it be our stunning coastlines or our national parks. There are so many things in our regions which will draw people to be able to enjoy them, so it is great to be part of a government and to have responsibility for a portfolio which is investing in our regions.

We heard a couple of weeks ago the announcement that ESCOSA had handed down its 2020-24 determination that there was going to be a whole range of investment in water infrastructure in the regions. There is almost no better economic input than water-related infrastructure, or infrastructure that makes the availability and the certainty of water possible.

Visiting Eyre Peninsula, I was able to travel down to Port Lincoln and talk to locals about the progress we are making with the $90 million desalination plant that will be constructed out towards Sleaford Bay. Also, as part of the ESCOSA determination, we have been able to make the announcement that other parts of the state—those more regional and remote parts of the state—are going to be able to get more certainty of water supply. Towns like Oodnadatta, Marla, Marree, Yunta, Manna Hill are coming on to the SA Water service, and we will be able to give those towns certainty so that they continue to play an important part in the state's productive economy.

It has been fantastic to work alongside the Minister for Energy and Mining as he has provided advocacy for those communities—small communities, but still very important communities—and that artery, which heads out towards the New South Wales border. Those railway towns play not only an important role historically in our state but also an important role in the future as well.

When I was over on Eyre Peninsula, another area of economic productivity that we took a good look at was the sustainability of our agricultural land. The work that we are doing with our landscape reform and those decentralised boards is ensuring that communities are effectively empowered and get the resources to ensure agricultural sustainability—dealing with those basics: water resource management; sustainable agriculture programs, particularly around soil management; and, of course, dealing with pest, plants and animals, things that will create resilience in the landscape so that it can deal with the change in climate, so that disasters such as drought can be better coped with.

They will always pose difficulties in the Australian landscape, but we want to get those basics right so we have that resilience and so that economic productivity can be upheld and we can get on with rebuilding, sustaining and growing our state's economy.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:00): My question is to the Premier. Can the Premier advise the house if any of his party room colleagues have stayed with the President of the Legislative Council, the Hon. Terry Stephens, in his house in Norwood and claimed from the House of Assembly the country members' allowance?

The Hon. S.K. KNOLL: Point of order, sir: I invoke standing order 96 in relation to that question.

The SPEAKER: The question was to the Premier. I am going to allow the question.

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:00): I don't have any information that would suggest that.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:00): My question is to the member for Narungga. What expenses has the member for Narungga incurred while staying in the Norwood home of the President of the Legislative Council?

The Hon. S.K. KNOLL: Point of order, sir: 96, but it's also I think 97 because it's hypothetical.

The SPEAKER: I uphold 96. We have had an at-length debate on this issue, and I uphold that point of order. The member for West Torrens can have one more question.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:01): My question is to the member for Narungga. Has the member for Narungga recorded on his declaration of interest the benefits in kind he receives from staying at any residence in South Australia while claiming the country travel allowance without paying any rent?

The SPEAKER: There have been questions on registers of interest in the past, so I am going to allow the member to speak, if he would like to speak. Member for Narungga, you have the call. We are going to have get you to come to the microphone.

Mr ELLIS (Narungga) (15:01): I have not recorded any similar items on my register of interest regarding accommodation in Adelaide.

AGTECH

Mr PEDERICK (Hammond) (15:02): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on how the Marshall Liberal government is encouraging agtech innovation in regional South Australia?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:02): I thank the member for Hammond for his excellent question. I want to congratulate him on hosting me last Wednesday at Kimbolton winery at Langhorne Creek, where we launched an agtech initiative by Platfarm to digitally monitor and map a lot of the vineyards down at Langhorne Creek, getting ready for some of the innovation and technology that they are putting into those vineyards down there, with the likes of autonomous vehicles and some of the new latest and greatest agtech opportunities.

Also on Wednesday, I had the opportunity to visit the Loxton Research Centre in the Riverland, in the great electorate of Chaffey. It gave me the opportunity to launch the first agtech hub in regional South Australia, a really exciting opportunity for Loxton and for the Loxton Research Centre—it is getting a rebirth. The Marshall Liberal government has seen fit to reinvest in a research facility that has had world acclaim, particularly in water efficiencies within tensiometer initiatives and the agtech that we today are using and that we have exported all around the world.

The opportunity has seen that we now have a partnership with ThincLab, an agtech and food innovation incubator hub at Loxton. The ThincLab is the first-ever regional presence, and we see this as the future step forward in agriculture, particularly in regional South Australia. This is the fifth ThincLab on the globe, and I know that the Minister for Innovation and Skills has been delighted to launch the other ThincLab at the Waite Institute. That sits alongside the ThincLab in Singapore and next to the other ThincLab in Chalons in France, as well as the Adelaide Uni at the Pulteney campus.

That showed that the Marshall Liberal government is prepared to back agriculture, and is prepared to back the innovation and the agtech needed to push forward with growing the ag sector, and also to put us on the front foot. This initiative was an initiative I saw while in my most recent visit to Israel. It highlighted the importance of how South Australia can be the nation's leader in agtech adoption, and it really is an exciting opportunity. We see this as providing the tools, the drive and the

innovation ultimately to improve productivity because, if we are going to grow our economy, we are going to need that innovation to drive higher productivity.

While I was there I also launched the government's second agtech demonstration farm, also at Loxton. That is also to help display, show and promote some of the technologies on farm—so it's a working application and also an open-door policy. It shows that this government is prepared to open up government institutions, research and development farms, to the private sector so that they can go in there and adopt more quickly those opportunities that will drive the agtech adoption here in South Australia.

That sits along with the launch over 12 months ago at SARDI's ag research farm at Struan in the South-East. I know that the member for MacKillop was there, and he is very proud of that research institute. It is now open and it has more than 10 agtech businesses down there promoting innovation and the development of agriculture. It is a great initiative on top of what we have just launched at Loxton. Again, the agtech demonstration farms are a game changer but, more importantly, they give an opportunity for our young, our brightest, to be a part of agriculture because we know in the regions #RegionsMatter.

The SPEAKER: Before I call the member for West Torrens, I can advise honourable members, I am informed, that on 26 September 2017 there was a question from the former member for Wright to the member for Mount Gambier about matters regarding those found on a register of interests, so that is in order.

REGISTER OF MEMBERS' INTERESTS

The Hon. A. KOUTSANTONIS (West Torrens) (15:06): My question is to the member for Narungga. Why hasn't the member declared on his Register of Members' Interests any benefits from land use in Norwood. With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. A. KOUTSANTONIS: The Register of Members' Interests form, item 9: 'Other sources of benefit, name and address of person who is granted the use of any land or anything to any of the following member during the return period where the use is worth $750 or more and where the person conferring the right is not related to the member or a family member by blood/marriage.'

Mr ELLIS (Narungga) (15:07): I am happy to refer the member to my previous answer and in doing so would draw attention to the fact that on my register there is a primary place of residence at Kadina on Yorke Peninsula. If he was to zoom out his metropolitan map that he focuses on, he would note that that's over 150 ks from Adelaide.

Members interjecting:

The SPEAKER: Order! The member for Badcoe is warned for a second time, the member for Playford is on two warnings, the member for Cheltenham is called to order.

REGISTER OF MEMBERS' INTERESTS

The Hon. A. KOUTSANTONIS (West Torrens) (15:08): My question is to the Minister for Transport and Infrastructure. Why doesn't the Minister for Transport and Infrastructure's declaration of interests declare other sources of benefits when staying with family members when free?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:08): I would say to the member that I fill in my register of interests in disclosing the things that are appropriate to disclose and it doesn't disclose things that aren't appropriate to disclose.

REGISTER OF MEMBERS' INTERESTS

The Hon. A. KOUTSANTONIS (West Torrens) (15:08): My question is to the member for Finniss. Can the member for Finniss explain why his declaration of interests shows that he stays at a home in Victor Harbor when his Liberal Party profile says he has been a Mount Compass farmer for 35 years? With your leave, sir, and that of the house, I will explain.

Leave granted.

Members interjecting:

The SPEAKER: The Minister for Education is trying to educate me at the moment, but it's okay; I'm just trying to listen.

The Hon. A. KOUTSANTONIS: Thank you, sir. When the member was elected the member for Finniss he lived at Mount Compass, which was 65 kilometres from the CBD, but on his election he moved to Victor Harbor, which is 84 kilometres from the CBD—which is over the 75-kilometre distance required to claim the country members' accommodation allowance.

Members interjecting:

The SPEAKER: The member for Finniss has the call. Order!

Mr BASHAM (Finniss) (15:09): Interestingly, in March 2018, I was elected as the member for Finniss. Previous to that, I had been dairy farming for many years. My family had been dairy farming since the 1830s—1838 I think we started dairy farming in South Australia.

One of the hardest decisions I had to make on becoming a member of this chamber was to decide that I could no longer dairy farm alongside my role as member of parliament. I made the decision that it would be more appropriate to have a member of staff live on the farm and run the farm and then I would move to a more suitable location within the electorate, not far from my electorate office in the largest town of the electorate, Victor Harbor. That enabled me to concentrate on my role as a member of parliament and I have been doing that ever since.

I have also, since deciding that not living on the farm was still not enough to be able to concentrate on my member of parliament role, now leased the farm out. The farm is run by someone totally different and I have no involvement in the farm operations at all.

Members interjecting:

The SPEAKER: Order! The member for King has the call.

VICTIM SUPPORT SERVICES

Ms LUETHEN (King) (15:11): My question is to the Attorney-General. Can the Attorney-General outline to the house how the Marshall Liberal government is helping to support victims of rape and sexual assault?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:11): I thank the member for her question and her ongoing interest in relation to the—

Mr Hughes interjecting:

The SPEAKER: Member for Giles!

The Hon. V.A. CHAPMAN: —protection of women, particularly, and the services that I will outline today in respect of Yarrow Place. Members may be aware that Sarah Cooper, who is the manager of Yarrow Place, and her team undertake an extraordinary amount of work to support victims of rape and sexual assault. This is an area that, as Attorney-General, I am proud to say I have prioritised, the Premier has insisted that our team prioritise and he has, indeed, appointed a special parliamentary secretary in relation to this matter.

This year, to continue its work as the lead public health agency in responding to rape and sexual assault, Yarrow Place is to receive another $1.3 million to help it undertake this incredibly important work. It focuses on two key services: the Country Response Program and the forensic medical service. Members may be aware that the Victims of Crime Fund makes this contribution.

The Country Response Program provides victims with specialty counselling services and helps raise awareness of issues surrounding sexual assault and strengthening local services. The forensic medical service supports the cost of recruiting, retaining and upskilling medical staff who care for victims after hours, as well as the professional development activities.

I just want to highlight today, for members who don't know, that sometimes victims of sexual assault—this may occur whether the alleged perpetrator is a stranger or known to them—experience significant trauma and they are uncertain and undecided about whether to report the matter to the

police. Yarrow Place provides a 'just in case' examination service. It means, forensically, that the evidence is stored and recorded, and of course treated in confidence, and available to provide to the police should the victim wish to proceed to report an assault.

Obviously, it is critical that this be both collated and stored and be available for forensic assessment at a later date. It is a really important service because, for victims in this area, it is a traumatic experience, but it is also a very difficult decision for some to make that next step. This is a means by which we are able to freeze the necessary evidence for the purposes of protecting it for future use should the victim wish to progress the matter.

I thank Sarah Cooper and her team for the work they do in continuing to provide those specialist services. It will give them security of that funding over a three-year funding agreement to begin tomorrow.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:14): My question is to the Premier. When the Premier had discussions with the President of the Legislative Council, the Hon. Terry Stephens, did he ask him where he lives?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:14): No.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:14): My question is to the Premier. Given all the media attention about where Terry Stephens lives, why didn't the Premier ask him where he lives?

The SPEAKER: The Premier is not responsible to the house for media reports. However, given today's theme, I will allow the question. Premier.

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:15): It seems to me they have completely run out of questions again. It happens on such a regular basis. You would think, because we are in the midst of a global pandemic and we are trying to stand up our economy, there would be some useful questions from Her Majesty's Loyal Opposition, but not one—not one.

I would like to commend the member for Finniss for his answer to a very hopeless question, trying to assert that he is doing the wrong thing. Far from doing the wrong thing of course, he has had to incur extraordinary expenses, as many members who come from the country have to, to accommodate themselves. He and his family have had to move to Victor Harbor. That's not a claimable expense. Of course, many nights of the year, like many of our country members, they need to be living away from home.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: They make a very, very significant sacrifice to serve in this parliament. They do so happily. We know that we are a better parliament—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —because we have many members from our regions and more remote parts of our state as well. I will always commend those people who come to serve in this parliament from outside the metropolitan area. I thank them for that.

It is quite clear that the Hon. Terry Stephens resides in Victor Harbor. He also, like many members have, has accommodation here in metropolitan Adelaide. That has occurred not just during the life of this parliament but over an extended period of time. It's exactly the same arrangement that was in place for 16 years of the former Labor administration and the government before that and the government before that and—guess what?—the government before that.

This is a longstanding arrangement and the line of questioning that we have seen today just goes to show that this opposition is not interested in some of the more important issues that are

facing our state at the moment. Their line of questioning, especially to the member for Finniss, is absolutely deplorable.

The SPEAKER: Before I come to the member for West Torrens, I just want to caution members and remind them that when we start asking whether statements in the press of private individuals or unofficial bodies are accurate we can go a little bit off topic. This is page 361 of Erskine May, 24th edition, 356 to 365, where it talks to the issue of matters in the press or private individuals.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:18): My question is to the Premier. Has the Hon. Terry Stephens applied to RevenueSA and claimed a principal place of residence exemption for his house in Norwood?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:18): That would be a question that you could direct to the President of the Legislative Council. Of course, I have no knowledge whatsoever—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —save and except the media reports, which suggest to me that he has referred his arrangements to the commissioner for taxation in South Australia.

PUBLIC TRANSPORT CONTRACTS

Ms BEDFORD (Florey) (15:18): My question is to the Minister for Transport. Has the minister granted service contracts to Torrens Transit for over 83 per cent of metropolitan bus contracts and 67 per cent of the metropolitan public transport network if you include the mooted rail privatisation, and does this constitute a monopoly in contravention of the Passenger Transport Act? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms BEDFORD: The Adelaide metropolitan region is divided into six contract areas of varying sizes. Torrens Transit has been awarded four of the larger service contracts representing a market share of 83 per cent by bus and tram commuter trips or 67 per cent if you include rail commuter trips. Section 39(3)(a)(i) of the Passenger Transport Act provides, and I quote:

> …service contracts should not be awarded so as to allow a single operator to obtain a monopoly, or a market share that is close to a monopoly, in the provision of regular passenger services within Metropolitan Adelaide;

Based on the Herfindahl-Hirschman Index, which the department has indicated to the Economic and Finance Committee would be used to satisfy compliance with the act, it appears the government contracts awarded to Torrens Transit create a highly concentrated market, seemingly in contravention of the act.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:20): I do thank the member for Florey for her question and she is right: it is something that is in the Passenger Transport Act and something that was very front and centre as part of the procurement process in relation to how the bus contracts were awarded.

She is right in saying that four of the six areas have been awarded to Transit Systems, I think we call them now, after they restructured with SeaLink—I think that is the best way to call it—and obviously the Hills' contract being awarded to SouthLink and then the Outer South to a new operator into South Australia, Busways.

To answer the member's question, there was advice, and it was something that we explored through the procurement process to ensure that we did comply with that obligation, and certainly the advice has been that we have complied with that obligation. But to unpack that for the member, as to the reason why that would be the case, we have six area contracts that are awarded and, within that contract area, the operator is given a monopoly to operate—i.e., another bus operator can't come

in and provide services in that area. So, functionally, in each of those areas the procurement provides that one operator will operate within that contract area.

The two things I would say that are important is that, first off, in order for the public to be able to get the best deal possible, the procurement itself is the best way to be able to ensure that a competitive process is undertaken and we use that competitive procurement process to drive the hardest bargain on behalf of South Australian taxpayers. That was very much the case in relation to this, where we had multiple operators bidding for the various contracts across the network.

The second reason that it's important is that what we don't want to see—and my layperson's understanding would be the intent of the legislation in the first place is that you don't want a situation where there is only one operator who operates who, if something were to happen to that company, would potentially see a disruption to services in South Australia.

We had that situation in 2015 under the former government where Light-City Buses essentially went broke and we needed to have the opportunity to assign that contract to a different operator, and Keolis Downer—or whatever it was called at that time; I think it was called ATE or whatever name they go by—was awarded that contract.

What we do have in South Australia is two other operators, so instead of having two operators we are now back to three operators in South Australia who would have the infrastructure necessary if something were to happen, for us to have an alternative supply arrangement that we could put in place and at reasonably quick notice. That would be my understanding of why you would want to have that clause there in the first place. So you use the procurement to drive the hardest and best deal for the South Australian taxpayer, and then you ensure that there is more than one operator so that you've got alternatives if something happens to the majority supplier.

But can I also say that buses were outsourced in the nineties. I think it is pretty clear and apparent that they continued to be outsourced under the former government, something that we have talked about a lot. But one of the companies that was started was a company called Torrens Transit—

The Hon. A. Piccolo interjecting:

The SPEAKER: Member for Light!

The Hon. S.K. KNOLL: —and Torrens Transit (Transit Systems, as they are now called) has gone on to be a billion dollar company that has been built here in South Australia. Off the back of that outsourcing, not only have they been able to win contracts interstate in Sydney but they have also been able to win contracts in Singapore and in London and have been a fantastic South Australian success story. So I am actually quite excited that they are a beneficiary of South Australian government contracts because they have used those contracts to go on and build a global business based here out of Adelaide—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —and they are a fantastic organisation and one that I am proud to award contracts to.

BUS SERVICES

Ms BEDFORD (Florey) (15:24): Supplementary: while I am really tempted to ask what your definition of a monopoly is, I have a question relating to another aspect. In providing tenders to the government, did Torrens Transit make any suggestions in relation to the alteration or closure of bus routes, removal of bus stops or bus service levels, and was this considered in any way in relation to the assessment of those tenders?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:24): Again, I thank the member for Florey for her question and do say that it is quite a pertinent and important question. We did ask through the procurement process for the various operators to provide scenarios of different networks. There were two scenarios that were put through to the final procurement phase, and we used that procurement phase

to essentially use the operators' knowledge of the network to provide potential network redesign as part of the procurement process.

They were asked to tender on both, essentially to tender on the existing network and then to provide an answer to what an enhanced network could look like. Those did form part of the tender process, but both of those scenarios were tested and I have every confidence that the procurement process was done properly and that the outcomes were the right ones.

BORDER CHECKPOINTS

Mr BELL (Mount Gambier) (15:25): My question is to the Premier. Can the Premier please advise whether residents who live near the South Australian and Victorian border and who already have cross-border approval previously issued by police will be able to attend medical appointments and/or work in the next 72 hours if they have not received approval via the new online process? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr BELL: Ian lives at Lake Mundi, which is 10 kilometres just over on the Victorian side of the border. Last week, he took his wife to Adelaide for treatment for cancer. Tomorrow, his wife has a follow-up appointment in Mount Gambier. Today, when checking with police, he was told that his old form was null and void and he will need to fill in the online form, which will take up to 72 hours to approve.

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:26): I thank the member for his question. We are moving to a new arrangement as of tomorrow. This has been something that we have highlighted now for more than a week. We are strengthening our border, particularly with Victoria. In fact, the police commissioner informed the Emergency Management Council earlier this week when we met that 260 officers are now on that border. It is a very important border for South Australia. So it changed arrangements as of tomorrow.

What was in place prior to tomorrow was the arrangement that many people who live either side of the border and would come over for a medical appointment, or in fact go to school or the pharmacy or shopping, would go through once, get an authorisation, they would be known to the police. That was a reasonably high occurrence since we closed the borders with Victoria going back to late March of this year.

Tomorrow, a new arrangement is in place and we are asking people to get a pre-approval, even if they are somebody who is living on that border. They will essentially get a token, which can be shown electronically at the border. We think this will speed up but will give us a much greater level of traceability. It will be an electronic system which allows us to ensure in very quick time exactly who is in South Australia and, if there are any outbreaks, how we can get in touch with them.

There could be some time for people to get used to this system. I am informed by the police commissioner that in fact people who arrive at the border, if they don't have the token, will be able to complete the application at the border. So we will be saying to people, if they are coming in, to allow more time, because I can imagine that in the first 24 or 36 hours of this new arrangement there could be some delays. We do this with regret, but we do it because it is an important protection for the people of South Australia.

While I am on my feet, I would like to also just inform the parliament that the Transition Committee met this morning and will meet again on Friday. The recommendation that came from this morning's meeting was that we will not be lifting all state borders on 20 July, as was previously anticipated and in fact messaged. Again, we will look at this issue on an ongoing basis.

It's likely that we will continue to see the easing of restrictions with jurisdictions where there is not an unacceptably high level of infection; in particular, we're looking very closely at the moment at the ACT and also New South Wales. We haven't seen a new infection in the ACT for an extended period of time. In fact, in New South Wales, although there were five new infections today, all of them came from people returning from overseas travel.

Just as we had three new infections that we reported yesterday, these were not locally acquired; these were Australian citizens returning from overseas. They are in quarantine, just like in

New South Wales with their five today: they are in hotel quarantine. We are looking very carefully there. Unfortunately, the number of new infections in Victoria is completely different. In fact, yesterday, when there were 75 new infections, 74 of them were locally acquired and one was from a returning traveller from overseas.

I note that Victorian Premier Dan Andrews has requested that those flights coming back into Victoria for returning Australian citizens now be diverted to other cities. We will continue to provide resources and any help that Victoria requires during this difficult period.

ACCELERATED DISCOVERY INITIATIVE

Mr BASHAM (Finniss) (15:30): My question is to the Minister for Energy and Mining. Can the minister update the house on the Marshall Liberal government's Accelerated Discovery Initiative and how it is driving activity and investment in the state's resources industry?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:31): Thank you to the member for Finniss. the hardworking, dedicated member for Finniss, who has essentially turned his life upside down so that he can serve the people of his electorate. I thank him also for an important question on our state's economy—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —which the Labor members opposite seem to have no interest in. The Accelerated Discovery Initiative—

Members interjecting:

The SPEAKER: Order! Members, could the interjections cease so I can listen to the minister.

Mr Hughes: How many years of PACE did we have before the Coalition?

The SPEAKER: Member for Giles, please! Minister, let's get on with it.

The Hon. D.C. VAN HOLST PELLEKAAN: Thank you, Speaker. The Accelerated Discovery Initiative is an outstanding Marshall Liberal government exploration program in the minerals sector. We know that our resources industry is incredibly important to South Australia. Our resources industry and agriculture are both stand-outs for our economy and they both leave a distant third behind them. They are very important sectors.

There was $6.9 billion of sales value from resources last year, 50 per cent of our state's exports from resources last year—incredibly important. We know that we need to keep doing work in partnership with industry to make sure that this continues to grow and grow and grow. The Accelerated Discovery Initiative isn't just about drilling holes.

The former government did have support programs for exploration but not nearly as broad, not nearly as diverse and not nearly as effective as the Accelerated Discovery Initiative, which of course does support, co-fund, drilling prospective targets, but it does much more than that too: it actually contributes to the interrogation of data. It contributes to the geoscience exploration pathways. It contributes to innovative logistics issues. It contributes to the discovery and understanding of underground water resources. It even has the potential to contribute to innovative ways to create Indigenous employment in the resources sector.

At the Copper to the World Conference last week (Copper to the World online, I should say, this year as it actually happened) it was a pleasure to announce 14 successful applicants to round 1—$3 million to round 1 and another $7 million remaining for rounds 2 and 3. The types of programs that received support from our government were:

- an exciting new collaboration with South Australian-based Fleet Space Technologies and OZ Minerals investigating wireless remote sensing technology to map heat flow below the crust;
- research collaboration with local universities;

- regional Aboriginal employment;
- investigations into logistical support for the resources sector; and
- expansion of SA's magnetotelluric dataset to better define deep drill targets.

This is incredibly important. We have resources. We have outstanding resources in South Australia and we know that there's more there, but most of them are under very deep cover, hundreds of metres of deep cover. Exploration is expensive, exploration is challenging, and we need to make sure that every dollar spent on exploration can be as effective and as fruitful as possible so that we can attract more and more investment.

We are not resting on our laurels; we are determined to make sure that the resources sector, both in minerals and petroleum, continues to be a leader and continues to provide royalties to our state, employment to our state and contribute to our economy and social fabric for decades ahead.

PUBLIC TRANSPORT PRIVATISATION

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:35): My question is to the Premier. Will the Premier now listen to community concerns and backflip on his plans to privatise our train and tram network?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:35): I thank the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order, member for Giles!

The Hon. S.K. KNOLL: —for his question.

Members interjecting:

The SPEAKER: Order, member for Ramsay!

The Hon. S.K. KNOLL: The answer to that question is no, and the reason it is no is that, especially in relation to—

Mr Picton interjecting:

The SPEAKER: Member for Kaurna!

The Hon. S.K. KNOLL: —tram services here in South Australia, that procurement has closed. Torrens Connect—I think that's the company, that's the iteration we call it—is undertaking those services on behalf of the South Australian taxpayer. The answer to this question is that the South Australian public transport user doesn't really mind who pays the driver; they just want to make sure that the service is what it is.

Members interjecting:

The SPEAKER: Order! The member for Kaurna is warned.

The Hon. S.K. KNOLL: The way I know this to be true, and the way I know that members opposite know that it's true—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —is because it's what they did with the buses for 16 years. They had opportunities—

Members interjecting:

The SPEAKER: Member for Hammond!

The Hon. S.K. KNOLL: —three or four times whilst in government to in-source operations—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —but did they? No, because they know that—

Mr Szakacs interjecting:

The SPEAKER: Member for Cheltenham!

The Hon. S.K. KNOLL: —outsourcing of public transport services—

The Hon. A. KOUTSANTONIS: Point of order, sir.

The SPEAKER: Point of order: the point of order is for debate?

The Hon. A. KOUTSANTONIS: Yes, sir, thank you.

The SPEAKER: I have allowed some compare and contrast to a point. Minister, I have given you a little bit of time to warm up, so I ask you to come back to the substance of the question, but could the interjections cease so that I can hear the minister's answer.

The Hon. S.K. KNOLL: This is another case of, 'Do as we say, not as we did.' Again, I don't think that this government or the South Australian public are going to stomach that kind of hypocrisy. More than that, what I would like to know is how much money is the opposition going to have to pay, if they were ever to grace these benches, in undoing those contracts, and how much money they have put aside in their future costing document for the next election for that purpose.

Grievance Debate

PUBLIC TRANSPORT

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:37): The last 24 hours have seen an extraordinary sequence of events, where a government that is void of any decent, thoughtful policy has been thoroughly exposed, where we saw the Premier standing up at a press conference yesterday and performing an extraordinary double backflip on a policy they have sought to defend for two years more or less.

For two years, this government has sought to defend its decision to close down three Service SA centres—one in Modbury, one in Prospect and the third in Mitcham—despite the usage of those centres continuing to go up, along with a decision to cut $46 million from public transport in this state, resulting in the most substantial cuts to services in the history of public transport in South Australia. That is an extraordinary double backflip that has exposed a government without an independent thought that is actually going to deliver a better outcome for the people of this state.

Over the last couple of weeks, those of us on this side of the house have been engaged in an undertaking that really could have avoided this whole mess in the first place. We have been talking to the people of South Australia out on the ground—people catching buses, people catching trains and trams—engaging with communities to hear firsthand just how valuable public transport is to the lives of people from different communities and from a broad cross-section of society. What came through loud and clear is that public transport is not something that exists on the periphery of their lives; in many instances, it is actually central to their capacity to be able to engage in society, engage in the community and engage in our economy.

One conversation I had was last Thursday morning. I caught the 228 service on Yorketown Road with the member for Elizabeth. It was rather dark, it was early in the morning and we got on the bus, and I think this particular service originates in Smithfield Plains and travels directly into the city. We caught it at a bus stop that this government was going to remove, we caught a service that this government was going to abolish, and when we got on the bus early in the morning about six or seven people were already on the bus.

The methodology this Premier applies to that service is, 'Well, there are only six or seven people on there, cut it, get rid of it.' What that neglects to pay any attention towards is who those people are on that service. Why are they on that service? Why are they so dependent? I had a couple of conversations, but one with Kirsty stuck out to me the most. Kirsty is a humble librarian at Blackfriars college. She requires the 228 and, after she gets off the 228, she catches another service

to get to her place of work. She does that every single day—two buses in the morning, two buses at night.

The consequence of this Premier's decision to cut that service was that, instead of catching two buses in the morning and two buses at night, she was going to be compelled to catch four buses in the morning and four buses at night just to be able to get to her place of work. When I asked her what that meant to her, do you know what her answer was? She said, 'Less time that I'm going to be able to spend with my kids.' She worked out that it was going to result in an additional 40 minutes in the morning and an additional 40 minutes at night—an hour and 20 minutes of less time with her kids.

That was the consequence of this government's decision because they neglected to take any moment to go out and talk to people like Kirsty. Each and every one of us went out and had conversation after conversation, and every one of those conversations inspired us to fight these cuts every single step of the way—and we prevailed. Kirsty's voice was heard, and ultimately this government's decision to backflip has now exposed that not only do they not listen to people in the first place but they do not actually have any policy substance or depth at all. That is not a mistake that we are going to repeat.

We have seen this minister, the Minister for Transport and Infrastructure, backflip on the right-hand turn, backflip on GlobeLink and lead us to a disaster in the tram extension and his deadlines there. He has backflipped on Service SA. He has backflipped on the bus cuts. How much more can the people of South Australia tolerate, considering that he is a lead minister overseeing a supposed substantial infrastructure that is supposed to drive jobs growth in this state?

We are not going to allow this government to go on unaccounted when such an important decision is before us about the future of this economy. We will stand up for people like Kirsty and every other person who relies on decent government policy to drive jobs growth in our state.

MOUNT GAMBIER ELECTORATE

Mr BELL (Mount Gambier) (15:43): When the borders closed in March, my electorate was drastically affected. Mount Gambier and the seat of Mount Gambier borders the Victorian border. My electorate office received hundreds of calls from people on both sides of the border. People were worried that they could not get their kids to school, that they would not be able to see their loved ones, feed their cattle or access co-parenting arrangements, but a greater concern was medical appointments and not being able to see a medical specialist in Mount Gambier if they lived just over the border.

With South Australia's travel restrictions supposed to be easing on 20 July, that brought some certainty to our businesses and some certainty to that border community. Today, that certainty has been taken away and we do not have a date when that border or those border restrictions will be lifted.

I want to be on the record in congratulating our state on the way it has responded to the global pandemic. The State Coordinator, Grant Stevens, obviously the Premier and the Chief Public Health Officer, Nicola Spurrier, have done a very good job up to this point, but we need certainty going forward, not only for the residents in the electorate of Mount Gambier but for those who are just over the border.

So I have put forward a proposal, that is, a travel bubble that would exist 100 kilometres from the border, over into Victoria. The way that this could be managed is that those who have a postcode starting with 33 in Victoria and who sign a statutory declaration that they have not been into a COVID hotspot, such as Melbourne, would be able to travel freely to Mount Gambier to access the services that that city, our second city in South Australia, is able to offer.

This would give our businesses certainty, and it would give those who live in Victoria certainty that they can access medical appointments—people like Ian, for whom I asked a question today even though he lives just over the Victorian border, so that he can see his wife through her cancer treatment. She is being treated in Adelaide and now is uncertain whether follow-up treatment can occur in Mount Gambier tomorrow. This would be alleviated by this travel bubble.

We are talking about communities such as Casterton; we are talking about Mumbannar, Dartmoor and Nelson, small towns that are in very close proximity to the city of Mount Gambier. They are small towns that rely on the City of Mount Gambier for their services and their medical needs, and they pretty much see Mount Gambier as their community. This travel bubble, with a signed statutory declaration that you have not been into a COVID hotspot, would put the health of our communities front and centre. Those small communities have had no COVID-19 cases for near on four months, pretty much the same time period as the electorate of Mount Gambier. Health will always be our first concern, but this mechanism allows our businesses and our community some certainty moving forward.

I want to give one more example, that of Margaret Considine, who resides in Mount Gambier. She had an appointment with a respiratory specialist in Hamilton last week for a lung function test and a cardiovascular appointment in Adelaide this week. Being unable to self-isolate and quarantine for 14 days, Margaret is unable to access her appointments in Hamilton, which took many months to put together, and the cardiovascular specialists in Adelaide that she has chosen. This proposal, if it is taken seriously, would alleviate that issue. It would keep the health of our communities as the number one priority and also recognise that there have been no cases for four months and would allow businesses some certainty to rebound past COVID-19.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:48): I will state to the house unequivocally that I like Terry Stephens. I thought that Terry Stephens was one of the good guys of the parliament: he was always very friendly and always had some very friendly banter. He is someone who I thought was a decent man. I do not know what has happened; I do not know what the details are. The ABC are one of the organisations that do not go to air unless they have everything legal to within an inch of its life. The journalists involved in the exposé on Terry Stephens are some of the most reputable journalists in South Australia, if not the nation. So we have this quandary: the person we know and the report from the journalists, whom we trust. That puts us in a very awkward position, because I do not like the stuff that we have to say and do in our role as Her Majesty's Loyal Opposition.

It is our job to hold the government to account, to scrutinise what they do. We make it very plain and clear that no law enforcement can enter this building to conduct any inquiry without the permission of two people: the Speaker and the President. Why? For the ancient rights and privileges that this parliament has. What does that mean? It means that listening devices cannot be installed here, search warrants cannot be executed here, investigations cannot be conducted here without the consent of the individual chambers. It is very simple. The parliament is supreme. It is sovereign.

So what happens when one of our own behaves in a way that may be illegal, may be corrupt? What do we do? We have a choice to make: the individual or the institution. I choose the institution. It gives me no comfort to say it. Terry Stephens needs to stand aside because it is him the Anti-Corruption Branch would need to seek permission from to examine the documents in question. It is in his own interest to say no. He is terribly conflicted. He has to stand aside.

If he does not, the Premier needs to use his authority in the Liberal Party, and the party room, to make him stand aside. If he does not, I am sorry but the Premier is complicit. There is no other way of looking at it. You cannot have politicians secretly claiming hundreds of thousands of dollars in allowances that they are not entitled to. It is just unacceptable. Do you know why? Because the country members' allowance is one of the most important allowances we have.

The member for Flinders—and I do not want to embarrass him—served his first term then announced he was not running again. I suspect it was because the workload of being a country member and getting here is overwhelming on family, on your mental health, being away from home—it is awful. That is why I never wanted to go to Canberra. The idea of being away from home so often is terrible. The burdens on this life are difficult. I am not asking for the public to feel sorry for us, but they should.

Country members get it even tougher, and it is more dangerous. They are on the road a lot more. That is why this allowance is vital. It is vital because I like that the member for Flinders is here. I do not want him to be a Liberal necessarily, but I like that he is here. I especially like the member

for Port Pirie (member for Frome) being here. That means we have to have integrity in these systems, and if the President of the Legislative Council is abusing this system and using his position as President to withhold or stop any investigation, and the Premier is complicit, what else are we left to do but ask these questions, because then everyone is suspect.

How is it possible then that the member for Narungga stays with a member of the upper house—the President, Terry Stephens—and claims an allowance when there is no expense incurred? That puts at risk every country member who legitimately needs that money to be here. I point out that I think it is a legitimate use to buy a property to be here because it is an expense you would not have incurred had you not been elected. But staying at a mate's place rent free and pocketing the money is not cricket. It is corrupt and it needs to stop.

PHILLIPS, MR J.

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:53): I would like to take the opportunity this afternoon to celebrate the career of one of the titans of waste management and resource recovery in South Australia, and that is Mr John Phillips OAM, who is retiring at the turn of the financial year after 31 years at the helm of KESAB environmental solutions. John Phillips became the executive director of KESAB when I was three years old, and during the last 31 years or so he has worked tirelessly to ensure that South Australia's heritage and our state's legacy as a leader in waste management resource recovery really is something that South Australia can be proud of.

John Phillips has been at the forefront of social entrepreneurship in this state. He has developed KESAB into an organisation with a phenomenally strong brand, and one that is known first and foremost for doing good for our environment and doing good for our communities all across South Australia, not just in metropolitan Adelaide—albeit the work here is important—but also in a very significant way in the towns that are found scattered throughout regional South Australia.

John Phillips has expanded the remit of KESAB, an organisation in itself that has been around since 1968. During his time of leadership, he has made KESAB a relevant, well-known and effective organisation. I want to talk about some of the achievements of KESAB under John's leadership and also pay tribute to the man himself.

This is a man whose commitment to community service is woven into his DNA. It is not just heading a not-for-profit organisation like KESAB; it is also a lifetime's work, which includes a long period of time being associated with Apex Australia, becoming the national president of that organisation in 1986 and becoming a Life Governor in 1988. He has also served on the board of the Scout Association, demonstrating that ongoing and consistent commitment to community here in South Australia.

In 1989, he was with the waste management commission and raised the issues of biodegradable plastic, which Coles New World were to introduce, that would break down in sunlight. As we know, more of these types of products have entered the market and we are addressing them through the legislation currently before parliament dealing with single-use plastics.

John was before his time on this issue. It has taken more than 30 years for us to deal with it in legislation. John has been both an inspiration and a support for me and the Marshall Liberal government as we have driven forward this single-use plastic reform, which we know is desired by the community of South Australia and is being supported by John Phillips and KESAB.

We would be well aware of much of the work of KESAB. Those who are old enough to remember might recall KESAB's anti-litter slogans such as 'Drop something, sport?', 'Put it in a bin'. Then, there was Tidy Towns and Bazza the Bunyip. These were all programs that were developed and nurtured under John's leadership. He is certainly someone who has pushed the boundaries when it comes to the waste management sector and provided that sector the leadership that it has needed here in South Australia.

In more recent times, since I have been the minister, John has been the President of the SA Branch of the Waste Management and Resource Recovery Association. John has also been a huge supporter of South Australia's pioneering container deposit legislation, which has now been replicated in other states. He has been a keen advocate for that and would like to see it developed,

enhanced and the franchise that it covers expanded. Certainly, that is something that this government is taking a really good look at at the moment.

John was awarded the Order of Australia in 2004 through his work for the environment through KESAB and his community association through Apex Australia. He is someone who approaches his job with humility and with decency and has left a phenomenal legacy during his professional career in this state. I know John does not want to be heading off into the sunset; he will continue to be involved with recycling and resource recovery in this state. I wish John all the best for his retirement and I am sure people from both sides of this house will join me in congratulating John Phillips on his many years of service to this state.

BUS SERVICES

Ms STINSON (Badcoe) (15:58): It is just as well that the government backflipped on its stupid decision on bus cuts because the impact of the changes in my electorate was nothing short of devastating. There were four major route changes within Badcoe, but locals also feared even greater service and bus stop cuts when timetables were released.

The changes would have seen the 241 at Ascot Park and then at Everard Avenue at Keswick axed, the J7 and J8 along Mooringe Avenue at North Plympton slashed and, incredibly, the popular 100 route along Cross Road eliminated. These are routes that take people in our community to important places: the Castle Plaza shops, the Cumberland Park shops, to the Uniting Church, to childcare centres, to Cabra College and other schools, to countless charities and even to Ashford Hospital.

The changes would mean that at least 55 bus stops were torn down, in addition to the dozen bus stops already previously removed in my area under this government. Local councillors questioned who was meant to pay for these bus stop removals, which cost up to $10,000 each to tear down. In the Marion council alone, there were 90 bus stops to be removed, costing in the vicinity of $350,000, and that is just one of the four councils within Badcoe.

For Kellie at Plympton, it meant that to get to work each day she worried she would have to travel further along busy Anzac Highway in her wheelchair to access a bus stop. For Tony of South Plympton, the route change to the 241 up West Street and Adelaide Terrace, where I was this morning, meant that he could no longer get to the Central Market on the weekend without having to take a three-part journey or fork out for a taxi. For Michael at Edwardstown, the route changes at Ascot Park meant he could not longer volunteer at Meals on Wheels, which right now is under even greater pressure to get food to the needy.

Sheree from South Plympton is a student who takes the 791 from South Road to Flinders University each weekday. That route was diverted and no longer was to go to the uni. Instead of a 34-minute trip, she would now have to travel in the wrong direction to Goodwood Road, swapping between buses, resulting in an hour-long trip. Sometimes Sheree would instead get the 101 from Marion Road, but that was changed too, meaning she would end up at Westfield Shopping Centre where she would be waiting for a connecting bus. Surely that is time better spent on her education.

For Beverley from Edwardstown, the 241 route change meant that she could no longer make her weekly shopping trip to Castle Plaza, a huge inconvenience. And for Janice, it meant that she would have to get a taxi to her specialist doctor's appointment at Ashford, rather than a brief bus trip from her home. The Liberals' backflip on buses is a victory for each of them. It is a win for everyone in my community who spoke out against these ridiculous changes. Thank you for sharing your stories and thank you for fighting with us against these cuts.

However, people in my community are still worried. Privatisation of the rail system looms over people in Badcoe. For those who take the tram and the train, they are concerned about increased ticket prices and decreased services under privatisation. I am proud to be part of a team that is so committed to public transport. Our leader has already announced our election policy that a Malinauskas Labor government would reverse that privatisation and look into buses as well. People in Badcoe know that by voting Labor they are voting for public transport.

I suggest there is another backflip that those opposite may like to consider in the inner south. To add to its broken promise on GlobeLink, to add to the breach of trust on changing the city school

zone, to add to the backflip on closing Service SA at Mitcham, they might like to reverse their clearly stated position of shutting down a school where the zone includes people in my electorate.

Labor is calling for a shared school zone or indeed no school zone for Springbank Secondary College. This small by design high school should be left open for the families who love its inclusive environment so dearly while also giving other families in my area the option to attend Unley High School if that suits their child better. Why not provide the choice that so many parents in my area are calling for? Shutting down growing schools in a growing district, especially when there is a shortage of disability places for students, does not make sense.

It also does not make sense that the Liberal government failed to deliver the $10 million investment set aside by Labor to further improve the school and attract new students. I look forward to a backflip from the government on this nonsensical closure and a more intelligent solution that reflects the diverse educational demands in the inner south and gives parents the right to choose.

SARIN, MR S.

Mr TRELOAR (Flinders) (16:03): Today, I rise to pay tribute to one of the icons of Port Lincoln, one of the icons of the South Australian fishing industry and one of the icons of Port Lincoln's tuna industry—that is, the late Mr Sam Sarin. Sam died on Monday 22 June, aged 84. Sam was one of the pioneers of the Australian bluefin tuna industry in Australia.

Sam came to Australia as a Croatian immigrant in the 1950s, along with many other countrymen who came to Port Lincoln in particular, not least because it reminded them of their home in Croatia and because of the opportunities it held for budding commercial fishermen. Sam was part of that history. Port Lincoln is a fishing town and home to the largest fishing fleet in the Southern Hemisphere. It is a unique fishing town; however, it is primarily a tuna town and has been for the last 60 years or more—and Sam Sarin has been part of that history.

His company, Australian Fishing Enterprises, holds almost half of all the southern bluefin tuna quota in Australia. That company, over the last 40 years, has seen the evolution of that industry from wild catch to the far more sophisticated tuna ranching method that is used today. Until the early 1990s, southern bluefin tuna was traditionally a canned product. Everybody here can recall the days of SAFCOL canned tuna; however, it is now predominantly sold as a premium sushi product to an international market, primarily in Japan.

Australian Fishing Enterprises, as part of the Sarin Group, has been a dedicated contributor to the Port Lincoln community, as has their founder, Sam Sarin. The company employs up to 300 staff and is one of the region's largest employers. AFE's mission is to be the most ethical, professional and efficient tuna ranching company in the world. The southern bluefin tuna industry is an Australian success story and it was pioneered by the Port Lincoln fishing industry. Sam Sarin was part of that pioneering story.

It was identified in the 1930s, in fact, that tuna aggregated in the Great Australian Bight. Surveys were done, but unfortunately the survey was put on hold when World War II came along. In the 1950s, the South Australian government financially supported the building of the purse seine vessel the *Tacoma*, which still holds pride of place in Port Lincoln. It was built in Port Fairy, Victoria, travelled to Port Lincoln and had on board the Haldane family, who became synonymous with fishing, not just tuna but other fisheries as well. Soon after, the *Tacoma* successfully caught its first load, an astonishing 10 tonnes of southern tuna, and so the tuna industry was underway.

It was exploited to its maximum through the fifties and sixties using the poling method, whereby fishers stood on the back of the boat in a can and poled the tuna in. Gradually, it progressed and Dinko Lukin, I think—one of Sammy Sarin's colleagues and probably competitors (true)—stumbled upon the idea of ranching tuna whereby he purse seined schools of fish and dragged them back to Boston Bay, where they were held within cages, fattened up with sardines and ultimately sold to the Japanese market.

A recent development has been the freezing of those tuna to minus 60º. Minus 60º is a particularly critical temperature, in that, when thawed, the tuna can retain all the freshness and unique qualities that make it a very special sushi product. Last Monday, tuna boats from the AFE fleet were

joined by others in Boston Bay as the community farewelled the man who founded the company, Sime 'Sam' Sarin.

Sam was incredibly generous, and he was a larger than life fellow, both in business and in life. He was renowned, not just locally but around the country, for his hard work ethic and business success, and of course he will be remembered always for the iconic Port Lincoln Hotel, which he contributed significantly to, and Sarin's Restaurant is within that.

The Croatian Club in Port Lincoln, of which Sam was a founding member, have provided a unique and really good example of his generosity. At an AGM, it was suggested that the club put aside money to save for a dishwasher in the kitchen, and Sam said, 'Go out and buy one and send me the bill. The ladies have washed enough dishes.' Our deepest sympathy and heartfelt condolences to Elida and the Sarin family.

Ministerial Statement

KURLANA TAPA YOUTH JUSTICE CENTRE

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:09): I table a copy of a ministerial statement, made by the Hon. Michelle Lensink in another place, announcing the banning of the use of spit hoods effective from tomorrow.

Bills

LEGAL PRACTITIONERS (SENIOR AND QUEEN'S COUNSEL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:09): In response to the contribution to the debate on this bill, I indicate my appreciation to the opposition and crossbench members, and indeed our own member for Heysen, and expand on the importance of this legislation. There are some comments that have been made during the course of the debate that do need some response.

Secondly, I have to hand a letter I have provided to the opposition and to the crossbench from the Chief Justice dated 29 April 2020. Although I have weekly correspondence with the Chief Justice, on this issue there has been a significant amount of correspondence, but he specifically requested that I advise the parliament of this letter and its contents. I confirm that a copy of it was provided to the opposition earlier this month. I will read the letter dated 29 April 2020. It states:

Dear Attorney-General

Legal Practitioners (Senior and Queen's Counsel) Amendment Bill 2020 (SA)

The Judges considered our recent correspondence on the above matter at the Judges' Meeting held on 27 April 2020.

The Judges affirmed that there is no agreement between the South Australian Bar Association and the Judges that the proposed Bill should be enacted. To the contrary, the Judges do not support the Bill. The position of the Judges continues to be that the appointment of Senior Counsel should be resumed in accordance with the arrangements made between the Executive and this Court in 2008 (the 2008 arrangement). That arrangement was that the Executive would cease the practice of appointing Queen's Counsel on this Court making Rules establishing a comprehensive process for the appointment of Senior Counsel. The Court made rules to that effect (the Chapter 12 Rules), which continued in effect until the practice of appointing Queen's Counsel resumed in 2019.

The Judges would resume their practice of appointing Senior Counsel if the 2008 arrangement were reinstated. Of course, if, not withstanding the Judges' view, the Parliament were to enact legislation to the effect of the Bill, the Judges would not frustrate its operation, and would again appoint Senior Counsel substantially in accordance with Chapter 12.

I thank you for the permission you gave me to speak to the Shadow Attorney-General and the independent Members of Parliament to put the Judges' position. However, on reflection I am concerned that the nature and purpose of a person-to-person meeting between me and members of Parliament might be misunderstood. Accordingly, I, and the Judges, would prefer you to simply disclose this letter to them and subsequently confirm to me that you have done so.

Yours sincerely

The Honourable Chris Kourakis

Chief Justice of South Australia

Whilst the correspondence has been provided—and I confirm in the parliament that that has occurred and I have advised the Chief Justice that that has occurred—it is fair to say that there has been a significant amount of correspondence on these matters. However, consistent with that undertaking, I have read into transcript what has been said.

I do need to explain that, although the Chief Justice thanks me for giving him permission to speak to the shadow attorney-general, I made it very clear to the parliament and to the Chief Justice that he does not require my permission and that he is perfectly entitled to do so. He has chosen, according to this correspondence, not to do so. I am not sure why he would think a meeting with the shadow attorney-general or other members of parliament might be misunderstood, but that is a matter for him and them. Nevertheless, I respect the fact that his position is clear.

Therefore, when the member for Florey raised a number of issues arising out of correspondence from 2018, I had wondered whether she was privy to the circumstances that have occurred over the last few years. I do feel compelled to advise the house of a number of things that have occurred.

In the letter of 2 October 2018, which has been read out by the member for Florey—that was a letter of the Chief Justice in relation to the South Australian Bar Association's proposal for the appointment of Queen's Counsel—a number of issues were raised and a number of things have occurred since. However, if the only information the member for Florey had was that letter, it is reasonable that she inquire into some of the matters that were raised, including the question of constitutionality.

To refresh your memory in relation to this—and I am not going to go back over the past 400 years—from 2008, there was a new regime, if I can describe it as that, as to how persons would be appointed as Senior Counsel. It was at a time when the South Australian Bar Association had indicated their support for the abolition of the descriptor 'Queen's Counsel' and they had consulted on the matter.

On 30 April 2008, the then premier, who was also acting attorney-general, announced that he had met with chief justice John Doyle and discussed the issues and procedures of the appointment of Queen's Counsel and the designation of Queen's Counsel itself. He explained in his ministerial statement at the time the development of the use of the procedures and the format that was provided in the appointment of Queen's Counsel.

In fact, he went so far as to suggest that the regime that operated under regulation at that time was one in which the government had become a post box. For the education of members, there had been a regulation in relation to Queen's Counsel, effective back on 26 March 1970, which made regulations to indicate that:

1. No practitioner of the Supreme Court shall be appointed Her Majesty's Counsel except after consultation of the views of the judges of the Supreme Court as communicated by the Chief Justice to the Governor in Executive Council and with the approval of the Chief Justice.

I assume that is what the then premier meant when he said, 'We've just become a post box as the government of the day,' in that these appointments are made conditional upon having the blessing of the Chief Justice. Discussions ensued and the premier announced that there would be a revocation of the regulations to which I have referred—at that stage, by Queen's Counsel regulations 2008 of the regulations I referred to—namely, made on 26 March 1970.

Thereafter, the chief justice, through his own arrangements by rules of his court, would undertake a process of the appointment of Senior Counsel and all new appointees would be Senior Counsel. That is the parameter in which we had come in 400 years, from having the personal counsel of Her Majesty or His Majesty, to a system where there had been appointment of Queen's Counsel, to thereafter be described as Senior Counsel.

There was no reference to this in the parliament to the extent of a legislative endorsement of this new arrangement. This was an arrangement between the then premier, as acting attorney-

general, and the then chief justice. It was of some moment, I recall, when the Attorney-General of the day returned—then attorney-general Atkinson—to find this had been performed.

In any event, the important thing was that it occurred and I, for one, as a member of the profession, did not have any major issue with that. It was consistent with the time. It was a situation where—

Mr Picton: You were a member of parliament.

The Hon. V.A. CHAPMAN: It was consistent with the time and, secondly, it resolved an issue between the bench and the bar as to how things would progress. Furthermore, I was a known member of the advocacy for the establishment of a republic. All those things were very clear. I do not have any personal axe to grind in relation to that occurring, but I do make the point that it occurred. After hundreds of years of practice, the regulations were simply revoked by the cabinet of the day and an announcement made by the then premier as acting attorney-general. That is what occurred.

For all the reasons I set out in the second reading explanation in support of this legislation, and the culmination of submissions being put by the SA Bar Association, the Law Association, and the Chief Justice on behalf of the judges on this matter as, I think, the most significant stakeholders in relation to it, there have been a number of developments that I now feel I need to put on the record because the early descriptor of this new proposal by the Bar Association to consider a process to enable the appointment of Queen's Counsel needs to be in that context. I think it has been left open with a reasonable query, having had that referred, as to whether the Crown's prerogative to appoint a Queen's Counsel had been abrogated.

Another thing I need to say at this point is that the new regime since 2008—which I suppose was consistent with the progress of this development—had moved to an area where the Chief Justice, via a set of rules that were colloquially called chapter 12 rules, set out the procedure by which people could apply for consideration for Senior Counsel. Consultation was to take place and, ultimately, a consideration by the panel convened, including the Chief Justice, for recommendation of Senior Counsel appointment. That was a process under the rules of the Supreme Court.

So we had moved away from the executive making the decision—presumably 400 years ago the king or queen just picking their own counsel—through a cabinet process to ultimately the most senior judges in the state court making the determination, doing the assessment and selection of those they recognised as being worthy of the title of Senior Counsel. I think that was a fairly natural progression.

I want to highlight here that the Chief Justice, in this recent correspondence, is again confirming his reinstatement of that process, the chapter 12, to facilitate the ongoing selection and appointment of Senior Counsel; that is, there will be a process where, in short, once a year people make an application and that process is undertaken. A number of people will be consulted, including the Attorney-General, as well as a number of other office bearers whose the advice the panel will appreciate, because it is different people who see counsel, as barristers, in action.

It is not just judges they appear before; it might be the DPP (Director of Public Prosecutions) and the current DPP is a Senior Counsel, and often they are a very senior counsel themselves. I interrupt myself to say here that the member for Florey says that she would be surprised if any of her people in her electorate might come across or have the need of a Senior Counsel themselves. If they were being prosecuted with a serious offence, more than likely they would be prosecuted by a Senior Counsel or Queen's Counsel.

Mr Picton: No-one in her electorate would be prosecuted for a serious offence.

The Hon. V.A. CHAPMAN: Well, no, she raised the example.

Ms Bedford: They couldn't afford it without legal aid. That was the basis of the whole thing.

The Hon. V.A. CHAPMAN: Yes. It may well be that there is a basis upon which people in her electorate may be in need of the services of a Senior Counsel, and it may not be a criminal matter but if it is they are more than likely being prosecuted by someone who is a Senior Counsel. So, yes, they do have an imprint on a number of people for different reasons. They argue cases and they are

a significant player in the whole legal justice system which makes determinations, which is the body of work in our common law and which affects all of our lives.

Be under no illusion that these are the best and brightest and we have a process which recognises their seniority, which brings with it some special rules as to the incapacity or limitations in being able to reject a brief, for example, once you accept this area of responsibility. In any event, just in relation to process, I highlight the fact that the correspondence I have just read out confirms that, if the parliament passes this legislation, chapter 12 is proposed to be reinstated as I have indicated, and that is as it should be. I just highlight this because, first of all, it is the senior members of the judiciary who are the ones who review the performance of these people.

They are totally responsible for the admission of legal practitioners, and they have a role in the dismissal of them from practice if, through certain other processes, it comes to their attention that there has been some misconduct on their part. They have very significant input into not so much the discipline but the ultimate sanction of striking off a practitioner, and they also are responsible for their admission in the first place.

There are a few other bodies along the way that the practitioners might become involved with, but also the Chief Justice chairs a council that is responsible for the education complement for legal training. In a very comprehensive way, the senior members of the Supreme Court have a role and are in a very good position to be able to make a decision about who is worthy and meritorious of receiving that honour.

Therefore, it is also important that I say that the purpose of this bill is not in any way to interfere with that selection process. The purpose of this bill is specifically to amend the Legal Practitioners Act so that if any one of those meritorious, worthy recipients of a Senior Counsel elect themselves to want to become Queen's Counsel—some would say it is to value add it, some would say that it is not necessary for them—then they can present that request to the Attorney-General and the Attorney-General is obliged to then present that to the Governor.

Why is it necessary to oblige them to do that? I say to this parliament that it is very important that this is a decision of the recipient of the recognition, not a matter for the Attorney-General to have a veto over whether that person should or should not have it. I have said this before and I will say it again: if the former member for Enfield, John Rau SC, were to present a request for that under this legislation, as attorney-general he would be entitled to have that submitted to the Governor, and he may do that.

An honourable member: Well, he didn't. He wasn't one of the 17, was he?

The Hon. V.A. CHAPMAN: Well, the chapter 12 rules are now no longer in existence but, as the Chief Justice has said, he is prepared to reinstate those on the passage of this bill. What has been outlined in the letter of 2018 raises some questions that were raised specifically by the Chief Justice. I am not going to go through all of them, but I think it is important, obviously, in responding to the member for Florey's concerns.

Firstly, on the question of prerogative power, the Chief Justice outlines his concern as to whether the prerogative power has been abrogated. That is a matter which, since that letter, has been the subject of referral to the Solicitor-General. That position is such, on the advice that we have, that that power would not be abrogated. There are a number of other counsel who purported to espouse that position, and that is fine, but from the point of view of there being an independent assessor of that the Solicitor-General has looked at it. I think it is reasonable that, having raised it, we need to clarify it, and that information has all been conveyed to the Chief Justice.

The other matters that are raised largely flow from that, but one of the matters that is raised is whether a proposal was to include that the attorney-general, himself or herself, would personally assess applicants for Queen's Counsel. I hope I have made it completely clear—I have to the Chief Justice—that that is no desire whatsoever on my part or that of the government, that that is a matter quite properly done under the chapter 12 rules of the court and that he and his colleagues are well placed to continue in that role. That assessment would resume under his determination. His descriptor in here about political silks not only is inconsistent with the bill I am putting to the parliament

but is simply not applicable. That is not the purpose of this legislation and in no way interferes with that process.

The information we have received has been conveyed to the Chief Justice, as I have said. My understanding after that is that there have been continued discussions between the Chief Justice and the SA Bar Association and, subsequently, the Law Society. Again, I will not repeat the detail, but essentially they came into the picture, they conducted a survey of their members and they have presented a submission to support the reinstatement of Queen's Counsel for all the reasons that have been outlined.

Next came the question of whether there could be a model established, too, which was both enforceable and appropriate, to sit in addition to chapter 12 rules. The indication was that, as the previous government had simply revoked rules, that seemed to be the logical thing to do—that is, simply to reinstate the regulation. That process was the subject of a request to me as Attorney-General, as to whether that regulation process would be sufficient—that is, under the Legal Practitioners Act—to have a regulation.

That process, I point out to the member for Florey, was presented to the Solicitor-General after both parties had indicated that that is a reasonable thing to look at, and I did so. That confirmed that there was an issue about whether the Legal Practitioners Act had sufficient power to make the regulations. Accordingly, I was requested to look at whether there was need for a legislative remedy if we were going to have a process that would enable a Senior Counsel, at the election of the applicant barrister, to be converted to a Queen's Counsel. That is precisely what we did.

Obviously, some time has elapsed, but that process has been undertaken. At all times, the Chief Justice has been kept informed of the legal opinion received and provided with a copy of this bill that is before the parliament for his consideration. As you can see, it is a fairly short bill, but it essentially allows there to be a process under the Legal Practitioners Act by regulation to make that process be complete, if that is the will of the parliament.

There are two important elements before us. Firstly, there is an indication from the Chief Justice that, although he would prefer to just go back to the 2008 act and just maintain Senior Counsel, if the parliament does pass this he will reinstate the chapter 12 rules for the purposes of that assessment being undertaken. There will be no interference by executive as to that process. It has been a good process that for the last 12 years or so has been an important advance in the 21st century in how we do that. Secondly, there will be no capacity for an existing Attorney-General to pick or choose whom he or she would present upon an application coming from a barrister for consideration.

The member for Florey has raised the significance of the cooperation between either the judiciary and the executive, or indeed the judiciary and the bar, the barristers, who I suppose are a subset of solicitors and barristers, the legal practitioners we have in South Australia. We are a fused profession, but we have the right to be able to be an independent bar.

I have regular meetings and communication correspondence with the Chief Justice, and I have received his advice on an enormous number of matters. I have received requests that he considers need to be pursued, whether it is the appointment of auxiliary judges across to law reform. I value that advice. Apart from a couple of exceptions, I have taken that advice—and members are aware that the appointment of a separate appeal court was not with the Chief Justice's blessing, as I think it was described—but I want to say to the member for Florey and the parliament that I respect the Chief Justice. I respect his role in the judicial hierarchy: he is the chairman of the judicial council and he is in a very significant judicial position in this state.

Sure, we have federal courts over here, but he is the highest person in charge of the highest level of counsel for the judiciary in this state. Even if a magistrate is appointed, he needs to be consulted, as it should be, so it is important that he has a good working relationship with the Attorney of the day. I think we do have a good working relationship. I respect his position. I think he respects mine, but we have a difference of view on some things. If I were to give it an estimate I would say 95 per cent plus I agree with him. In fact, I am continuing to work with him on areas of law reform which are quite innovative and which I will present to cabinet and parliament in due course. That is very important.

Secondly, if the parliament needs some demonstration of that, the fact that the law to establish the first appeal court in South Australia has passed the parliament and is now being activated ought to be some testament to that proposition; that is, we have an active working relationship. In fact, during COVID-19, notwithstanding the Chief Justice's view in relation to whether or not we needed to have a separate appeal court, he, the Courts Administration Authority and I worked to develop not only the appointment of two of those judges but also their accommodation and, of course, the submissions I need to go to the Treasurer to make sure that we have upgrade of accommodation for them.

These are all practical day-to-day things that we continue to work with. I want to compliment the Chief Justice on his support of advancing those measures necessary for the implementation of that, and I thank him for his continued advice on it. I say this to the parliament because it is within the envelope of a circumstance where it was clear that the Chief Justice had one view and the government of the day had a different view.

One of the things you learn in the legal world is that you can stand up and have a discussion about something, and you can put your argument and a submission, and it may be entirely different from that of the person standing next to you. Whether that is in a party room or in a cabinet or in a courtroom, these are the things that happen in our life now in the political world and in the government world. You have to be able to present those and not take personal offence if you do not get your own way.

If I took personal offence now in my political world every time I did not convince my colleagues of something, I would be in a mass of tears and probably need treatment. That is the reality of political life. Similarly, in a courtroom and in dealing with legal matters, you win some and you lose some. That is the art of the advocacy that is necessary: it is a discipline that is necessary to appreciate that this is not a personality clash and that this is not a fight with somebody because they have a different view.

It does get a bit complicated in politics because personal statements are made that would never be allowed in a courtroom, but that is just something you have to deal with in the rough-and-tumble of politics. Again, I suppose if you cannot cut it, you find another profession, calling or whatever. The reality is that is something I suppose I have had 40 years' experience of, and the last 18 have been a little bit rougher than in the courtroom, I have to say, because personal statements can be made and they can be hurtful.

One of the disciplines one learns as counsel is that it is the responsibility of the barrister of the day to put their client's case forward, to accept the instructions of the instructing solicitor, to put the best case for the client and to successfully negotiate matters as best they can for the client if it does not proceed to litigation. That is the responsibility. There is obviously a responsibility of the barristers to the court, as well, and I want to touch briefly on that.

Apart from executive government and heads of a third arm of the trilogy—that is, the parliament, the executive and the judiciary—we have a doctrine of separation of powers, and we have to try to get on and we have to try to make that work. Part of the reason we have it is to make sure that not one group has too much power. That is exactly why we have it.

One of the aspects of the judiciary, and the strength of that unit in the trilogy, is the fact that they have the bar in partnership with the judiciary to do a number of things: firstly, to strengthen the independence of the judicial arm and, secondly, to ensure that the protection is there for the client and the court. Lawyers are admitted and have a profession, but they actually have a duty to the court. and this is something that the member for Heysen is very familiar with.

I had 20 years in those courts and I have had 18 years here, and sometimes, you just think to yourself of the experience that comes with that. The very fundamental difference for barristers is that they actually have a duty to the court: they cannot mislead the court and they cannot just select out bits of common law case law and think, 'Well, I'm going to just tell a judge about this case. I know about this one over here, so I will just keep that secret.'

These are the sorts of rules that barristers have to comply with because of that overriding duty to the court. The relationship between the bar and the judiciary, particularly the leadership in

the judiciary, is very important. That is the strength of the judiciary as the independent arbiter and the protector of the individual and the community against excessive executive government or unlawful parliamentary determinations. They have a very important role, and the bar and the leadership need to have a strong relationship.

That is why through all this process, which has taken a little while, I have made public statements as Attorney-General that it is important that the bar and the leadership in the judiciary keep their relationship strong to ensure that that actually occurs. The barristers, through the SA Bar Association and also generally, need to have a good working relationship with the Chief Justice, the Chief Judge, the Chief Magistrate, the head of the Youth Court and obviously a number of other courts and tribunals in South Australia, as they are the hierarchy in our civil and criminal law and have a large chunk of responsibility.

I make the point that it has been very important to me as Attorney-General that I try to assist the bar and the Chief Justice, on behalf of the judges, to work through something that is both respectful of the judiciary in the appointment process of Senior Counsel but, in addition to that, accommodates what has been a unified position of the bar and the Law Society. One might ask the question: what has this got to do with the Law Society? They look after the solicitors, largely, and the ones who practise as a solicitor and counsel but who do not want to go to the independent bar. I suppose they could have stayed out of it. They could have said, 'This is the barristers' fight with the Chief Justice. We will let them deal with it.'

They actually surveyed their membership, who are largely solicitors in firms, some of whom still do court work because, as I say, in South Australia it is a uniquely fused profession that allows them to do that. They had a massive response. Again, I have referred to this in the submissions I have previously put. They came in and said, 'No, we do need to understand the commercial reality. We have looked at how we might best address this to make sure our Senior Counsel in South Australia are recognised and have a competitive edge to be able to compete with New South Wales and, at the very least, be in the same model as Victoria.'

Mr Picton: They don't have QCs.

The Hon. V.A. CHAPMAN: The member for Kaurna shouts out, 'They haven't moved to QCs.' Arguably, they do not need to. Just have a look at how many people have been appointed to the High Court from South Australia—zero. How many people have been appointed from New South Wales? Most of them. As I said to the parliament at the time in relation to the appeal court process, I will work with those in our judiciary and at the bar to ensure that we are a competitive legal profession and that the state has the services of the best, that they are recognised and that we have an appellate process that will be the envy of all.

I hope one day, as I have said before, when the federal Attorney-General contacts me or any of my successors and we say that we have a person from South Australia to sit on the High Court, they listen. I will continue to fight for that because we are a significant player in the federation. For goodness sake, it was mostly South Australians who wrote the federal constitution and spearheaded the committee that established it. We have an opportunity to make sure that our best and brightest have that opportunity for appointment and elevation to the highest court in the country.

For me, it is very important in this process, as a member of executive government and as Attorney-General—even though we have this unique role as Attorney-General and a member of the executive, we are also the first law officer of the state—we have a responsibility (I hope I have outlined this for the parliament) to ensure that the relationship between the bar and the bench is strong. I will continue to fight for that because I think it is a necessary element of ensuring that we have that separation of powers and that we have that balance maintained.

On the issue of an assurance the member for Florey has sought of a continued working relationship with the Chief Justice, I indicate I am committed to that, and I hope I have outlined that to her satisfaction. I think we have a workable working relationship. I think we have demonstrated that when we have had a different view about a policy matter but which we had advanced. I respect the Chief Justice's indication to this parliament, which he has put in writing, that he will undertake a resumption of the chapter 12 rules, which gives him a continued role of course as the head of the panel in the appointment of future counsel, and I thank him in advance for that.

The reason I particularly do that is because it is a lot of work: all the work in relation to admission of new practitioners; giving them encouragement and advice; striking them off if he has to, or one of his colleagues has to deal with that; making a time to consider the contribution and the curriculum of legal study for the purpose of ensuring that we have the advance of a profession that can competently and professionally provide advice to South Australians; and work around the country and the world to provide those services.

We are in an international community now and our legal profession at the highest level needs to be able to operate in Singapore, in Hong Kong, in London—mostly in other commonwealth countries, and I will not go into the reasons for all of that. We do not practise in the United States because they have some weird system about how they operate over there in their justice process, but we are a common law country and it is very important that we maintain that.

I give an assurance to the member for Florey that that relationship is continuing to operate. I am pleased to say that I have regular reports from the CAA and the Chief Justice on the progress of the ECMS installation; the completion (hooray!) of the higher courts development, and I have been down to inspect those and we have had those discussions; and, of course, the provision of amenities for new judges.

Also, importantly, extra AVL services were necessary during COVID, and I have worked with the council and the Courts Administration Authority to make sure that we improve the lot of the courts, the police and the prisons to make sure that we can maintain, initially for the COVID, and also the long-term benefit in electronic transfer of data and information.

It continues to work, and I think that with the passage of this bill there will come about a process which the Chief Justice will complement with the restoration of the chapter 12, which he has indicated he will do. He has had full view and contribution to the advice that has been provided by the Solicitor-General on both questions of prerogative power, constitutional challenge and the question of the format, whether it be regulation or legislation.

I thank him for his indication of his position on the matter, although it is different to what the Bar Association had sought or started with, but it is a model which I suggest the parliament will be able to allow for both the continued selection and appointment of the best people by the judges who know how best to do this, without interference of executive, with an optional provision for the Queen's Counsel appointment with a submission that is presented to the Governor, which is only triggered by the application of counsel who want it. I hope that that process will enable a strengthening of that relationship between the bar and the bench. It is critical to the integrity of that third arm of power and, with this issue resolved, I think that will aid significantly.

Can I say this: at present, there are no chapter 12 rules. There is no provision in South Australia for a senior barrister to apply for recognition as Senior Counsel at all. The rules have been withdrawn from operation, and the revocation of that by the Supreme Court is obviously a matter for them. At the moment, since late 2018, we have not had any appointments of Senior Counsel because there has not been a process to deal with them.

In New South Wales, the Bar Association themselves actually take responsibility for that. I do not think that is a suitable model. I think the Victorian model, which has been developed and progressed by the Labor Party in Victoria, is actually the best model, and that is why it is modelled on that basis. It keeps the assessment separate from the presentation of appointment and that is why we are progressing it.

We have a situation in South Australia where, firstly, meritorious, experienced and competent counsel have no home-grown process upon which to advance. This is another issue that will be resolved with the passage of this legislation. I think it is pretty clear that not everyone is happy, but it will assist in that regard. What happens if the member for Heysen, competent and eminent as he has been as counsel, needs to have recognition? What can he do?

He could go to Victoria, as our counsel are able to practise in other jurisdictions. He could undertake work in Victoria, for example. He may not be able to be the member for Heysen and we do not want to lose him as the member for Heysen but, if he did that, he would have to go to Victoria and he could get the attention of the Supreme Court Chief Justice in Victoria. They might think, 'He

is a stunning counsel. I am going to recommend that he be appointed as Senior Counsel here in Victoria.'

If that occurs, he then goes to the Attorney-General in Victoria and he asks him or her—it is a her at the moment—to present his appointment as Queen's Counsel to the Governor of Victoria. All that could happen under the Victorian law. Here is the incredible thing—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. V.A. CHAPMAN: —under the rules in relation to Queen's Counsel of other jurisdictions, our own Supreme Court has to recognise them. So he goes to Victoria, he gets his appointment and when he comes back—

Members interjecting:

The Hon. V.A. CHAPMAN: Well, who would want to go Victoria right at the moment?

The DEPUTY SPEAKER: The member for Florey and the member for Kaurna are called to order. The Attorney will be heard in silence.

The Hon. V.A. CHAPMAN: When he comes back, he will have two weeks in quarantine, but he will come back. When he appears in the Supreme Court here his postnominal of QC has to be recognised. This is the bizarre thing about what we have ended up with.

As Attorney-General, I am concerned about the state of the relationship that could deteriorate if we do not resolve this issue. I am very concerned for the future of the profession in South Australia, that they should have the same opportunity as others have had and that they should not have to go through other options for that to be achieved. There are a number in South Australia who already practise across the borders—they do it very well and some are already Senior Counsel and Queen's Counsel—but there are others who have work they do interstate and they do come to the attention of the hierarchy in those states. They are the lucky ones.

However, for those who are working away here, they might have had 15 or 20 years in practice, they have been at the bar and they are doing very well, but they have no process to deal with this. I think that is something that needs to be remedied and I am confident that the Chief Justice also wants to make sure that we get some resolution on this.

There can be different views about how these processes occurred and they do not always agree, but the key is to make sure that we give that next generation a chance, and that we do so in a manner which does not in any way fracture that extremely important relationship between the bar and the bench. I hope that gives the member for Florey some reassurance regarding the situation here.

I know members have been approached by practitioners, who are ultimately either in representative roles as stakeholders within the Bar Association or are in the profession generally, to seek members' support for the passage of this legislation. It is not for me. It is not for John Rau. It is not for the Chief Justice. It is not for any particular individual. It is for the future of a strong relationship between the bar and the bench and the future of our generations of counsel, who are deserving of consideration and recognition. We must deal with this. For that reason, as Attorney-General, I have had the bill prepared. Everyone has had a look at it. The wording and process is accepted as necessary.

I hope this answers the member for Florey's question on why we are doing this through this process of legislation, as distinct from just putting in regulation, or me issuing a ministerial statement like the previous acting attorney-general Mike Rann did. We are advised that it cannot be done this way. We have matured the process and we have to rely on the advice we receive on these matters, so we are here.

Even though people might say that this only affects a small group of people in South Australia, I personally think it is an important issue and one in which the parliament should have a say. I ask for the parliament's endorsement of this legislation and I commend the bill to the second reading.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr PICTON: I thank the Attorney. She almost hit the hour mark in her summing up speech; she will have to try better next time. The Attorney painted a rosy view of the current state of affairs between the executive government and the judiciary. I think those with a less rosy view would say that they have been at loggerheads on a significant number of issues.

The Attorney is basically implying that there is some sort of coincidence or magical happening in which the chapter 12 rules were suspended. Of course, that happened because of the deterioration of the understanding and working relationship between the judiciary and the Attorney-General over what she has been trying to do in relation to QCs.

I note that the Attorney-General a number of times in her speech said that there had been significant correspondence between herself and the Supreme Court and the Chief Justice of the Supreme Court. We have two letters before the parliament: one has been provided recently and was read out, I believe by the member for Florey and also by the Attorney herself, dated 29 April 2020 from the Hon. Chris Kourakis.

Ms Bedford: I didn't read that one.

Mr PICTON: The member for Florey did not read that one; I stand corrected. I believe the Attorney did read this letter. We also have a previous letter from 2 October 2018, which I believe the member for Florey did read, which outlines, across four pages, very significant concerns the Supreme Court, and judges of the Supreme Court as a whole, had regarding the Attorney's proposition in relation to Queen's Counsel at that stage, as well as raising significant areas of constitutional concern they had.

Given that the Attorney said there had been a significant amount of correspondence, can she outline whether there are other letters apart from those two letters that the parliament has in its possession? What are those other letters? How many letters has she written to them and how many has she received? Are there emails or is there other correspondence, and what is the quantum of that?

The Hon. V.A. CHAPMAN: I am happy to go back and count them, but there have been a number. Some of that is correspondence between the Chief Justice and me and some are copies of correspondence that they or the Bar Association have sent me in respect of their correspondence—and of course there is back and forth with the Solicitor-General. That is the general correspondence I am referring to.

I had a request by the Chief Justice to present his letter of 29 April to the opposition and make it available to members of parliament, and only that letter. I am happy to recognise that. I think I explained that the request had come to me to give permission to meet with the other members of parliament. As I have indicated to this parliament, I do not consider that the Chief Justice needed my permission—and I told him so—but he elected, for the reasons outlined in that letter (and they are his reasons, not mine) that his letter be made available. I have honoured that commitment.

Generally, I do not make available his submissions or correspondence in relation to other matters—he knows this—and I am not about to start. That is a convention that has continued, and it would only be strictly with his permission that I provide that. The member has been a member of cabinet and he would understand the importance of that.

Of course it is still open for the member, or the Leader of the Opposition or the shadow attorney-general or indeed any crossbench member—I suppose any member of the parliament, really—to request a conversation or a meeting with the Chief Justice, and that is a matter for him entirely. As the member knows, from time to time the Chief Justice has been asked to come down to provide committee evidence and so on.

I just want to make it absolutely clear that there is no impediment on my part for there to be some restriction in relation to the Chief Justice's view to the parliament in the considerations you make. I make that absolutely clear, and I can really only leave it at that. The letter of the 29th has been provided, and I think that sets out his position very clearly: prefer 2008, will reinstate chapter 12 if the legislation passes the parliament and, 'I want this provided to the members of parliament for their consideration.' In my view, I have done that.

Mr PICTON: Clearly, as the Attorney says, we have had a significant amount of correspondence between herself and the Supreme Court and the Chief Justice of the Supreme Court in this regard. There has obviously been work done by her office on this, there has been work done by her department, there has been work done by parliamentary counsel, and she stated there has been work done by the Solicitor-General as well. Could the Attorney outline the quantum of government resources that has been devoted to this task over the past two years? How many hours of staff time have been devoted to this? Have any outside counsel been engaged to work on this matter, or has it been within those agencies, as I have outlined?

The Hon. V.A. CHAPMAN: I cannot possibly give an assessment of the number of hours that have been spent by people on this. This was presented to the government by the Bar Association as a proposal back in 2018. I have given it some thought. I have obviously asked them to discuss the matter with the Chief Justice because he is the head of the judiciary. Those conversations have happened.

There has been correspondence back and forth between them. As Attorney-General, I have assisted where I can to identify processes as I saw them progressing various positions, if I can put it that way. At the request of the relevant parties, I was happy to have the Solicitor-General's advice on what the structure should be if it were to occur. I have assented to that, and I have provided that information to the Chief Justice for his consideration, along with a copy of the bill.

I do not know how I can facilitate any more, but I think that when there is an issue out there that needs to be considered then obviously, as Attorney-General, to the bar and the bench and the people of South Australia I have a responsibility not only to look at the matter, which I am asked to do, but also to facilitate their request in accommodating their progression of discussions on it. This is not a position that has been developed and imposed by the executive of this new government. It is—

Mr Picton: You're bringing it in.

The Hon. V.A. CHAPMAN: Well, I am just saying to you that it is not something that has been developed and imposed by this government. It has been, over a period of two years, the accommodation and the provision of support to the advance of the—I would not say resolution, I think it is far from that—process that has occurred, and in that regard, for the reasons I have pointed out, that is where we have got to and I have been happy to assist.

Mr PICTON: I think that is the first time I have heard of a minister bringing a bill to the house but saying that it is not actually them who is bringing it to the house, that it is not the executive that is doing it, that it is not us, that we are being pushed into this by somebody else. It is a very bizarre situation.

I would like to touch on the constitutionality of this bill. Clearly, concerns were raised in the October 2018 letter to the Attorney from the Chief Justice of the Supreme Court that potentially bringing back the Queen's Counsel, or King's Counsel as it may be, could be unconstitutional. Of course, I am not as learned as the member for Heysen, but my understanding from reading what the Supreme Court is saying is that that touches upon whether the executive—by having a Queen's Counsel and going back to the letters patent, etc.—is therefore interfering in the independence of the judiciary.

That is not something that is touched on in the later letter from this year from the Chief Justice of the Supreme Court. I know that the Attorney in her summing up said she has received advice from the Solicitor-General saying that they believe that the constitutionality of this is sound. Obviously, I think that as parliament we would probably weigh higher, with respect to the Solicitor-General, the view of the Chief Justice of the Supreme Court on the constitutionality.

Is there something in the significant correspondence between her and the Chief Justice of the Supreme Court where the Chief Justice has provided any advice or thoughts on the constitutionality? How can she be so certain that she is not introducing a bill to this parliament that could be ruled unconstitutional?

The Hon. V.A. CHAPMAN: I think it is a perfectly reasonable question; perhaps I had not made it clear in the response to the parliament as to the process. Yes, the issue was raised. The member for Florey read out the letter that it was raised in. Subsequently, the Solicitor-General has given advice on that issue. You will see from the letter of 29 April that, first, the Chief Justice no longer raised that as an issue, but, secondly, he has had a viewing of the bill and indicates that he has no further concern about the bill; however, he makes the point that if it is passed that he will activate. I hope that makes it clear, but if he is not satisfied on that then by all means he can contact the Chief Justice in between the houses, if he wishes to, to be satisfied of that.

I am satisfied that the Solicitor-General's advice being made available has dealt with that issue and is no longer relevant to what we are talking about. But, by all means, you can speak to the Chief Justice about that. The prerogative power and the use of it, the impugning of the separation of powers—which was the argument teased out in that letter—and the question of constitutional validity are no longer an issue, on my assessment of the progress of this matter. We moved to what is the model that would be able to be achieved and what could be validly implemented, and that includes a bill rather than regulation.

Ms BEDFORD: If restoration of the title QC will not weaken the independence of the legal profession and the judiciary, how will it strengthen it?

The Hon. V.A. CHAPMAN: Principally by resolving an issue between them that has not been resolved. The member has already referred to statements made back in 2018 by members of the profession and the Chief Justice. This was an issue about which there were strong views held. Notwithstanding that, it is very important to me and our government that those arms do maintain a strong relationship for the reasons I have outlined. Yes, it is very important to me, and it is also important to me that we give our next generation of barristers, those who are deserving of it, a structure for accreditation, assessment and acknowledgement.

Ms BEDFORD: Can the Attorney elaborate on the notion that the postnominal 'SC' is not as well known as 'QC'?

The Hon. V.A. CHAPMAN: If I can say in short, although I rarely do make a short contribution on these things, that one of the strong aspects of the commercial opportunities for our Senior Counsel is that solicitors instruct them and that there is a currency in the title that people have. For better or worse, a Queen's Counsel or a King's Counsel postnominal acknowledgement is one that has international currency in commonwealth countries. It has been so for hundreds of years, so this is not a new thing.

I think there was a genuine advance in the mid-2000s—in about 2008 or 2010—of jurisdictions saying, 'We are moving into a different century and we could perhaps advance this to Senior Counsel and have an SC postnominal rather than one that is attached to the gender of the monarch.' That is a pretty normal, grown-up way to approach it. I think that most people in Australia accepted that, even though we still have the Governor and the Governor-General system of representing Her Majesty.

What became clear is that the opportunity to secure work in that field was more limited because, essentially, the profession had been flooded with a new breed of creature, another SC, which was 'special counsel'. I think we have some 200 of them in South Australia. They have never been in a courtroom, but they are special counsel entitled to practise in South Australia, usually in larger solicitors' firms, who are often not partners in the firm but are considered to be special, in the sense that it is a recognition of their status within the solicitors' world.

So there are a whole lot of people who have SC after their name who, as I say, have never been in a courtroom. They are not Senior Counsel, as we know it—the logical extension, the modern-day version of Queen's Counsel—but they are special counsel and they have SC after their name. It became a topic of conversation.

Mr Picton: They don't put SC after their names though.

The Hon. V.A. CHAPMAN: Yes, they do. The member for Kaurna interrupts and says they do not put SC after the names. I can tell you they do, and the reason they do is that it recognises them as a status in the solicitors' world. I do not take issue with that. I just make the point that, having done that, it has watered down the currency of the role as a Senior Counsel.

That is an argument that has been put in Queensland and in Victoria, and it has certainly been presented by counsel here through the Bar Association, initially, and then through the Law Society. I do not see that as something that is particularly new. It is just one of those things that perhaps had not been encountered or anticipated at the time that we moved towards removing the monarch's initials or the gender identification of QC or KC, but it is clear now.

Ms Bedford: KFC.

The Hon. V.A. CHAPMAN: Which one? I am hoping that there will be lots of Queen's Counsel in the sense of 'Queen' recognition. The reality is that the eldest child—because we changed the law in this parliament, you might recall—whether they are a boy or a girl, under the British monarchy, gets to be the next monarch, which is great, except unfortunately for the next three generations they are all blokes. We will have King Charles, then King William and then King George. So the eldest child of each is actually a bloke.

The CHAIR: William and then George.

The Hon. V.A. CHAPMAN: Yes, William and then George. So we have Charles, William and George to get through before we get a chance of a girl unless, in the unhappy event of the demise of one, then we might have to—

Ms Bedford: That's treason, isn't it?

The CHAIR: Member for Florey, you have asked a question; the Attorney is answering it. We are side-tracking here.

The Hon. V.A. CHAPMAN: It is potentially a treasonable offence. I can go into the Treason Act if you like, but it is potentially a treasonable offence if you are to make a comment that predicts the demise of the monarch. My statement was in relation to the loss of lineage and how that would work. I am not in any way being disrespectful to Her Majesty, and I would never do that. Interestingly, in the Treason Act, it also relates to the friends of the monarch. There is some sort of special arrangement there. It is a different era

The point I make is this: in my time, there has never been a charge of treason. There was an attempt by an individual when I became Attorney-General to have me charged with treason for an act as Attorney-General in 2010. I was not quite sure whether attorney-general Atkinson or attorney-general Rau was in the office at that stage, but it certainly was not me, so that was dismissed. In any event, I did not suggest they go and round up one of the others. I just make the point that it is an unusual offence, it is tried in the Supreme Court, and it is not one that we should discount because the head of our government is still Her Majesty, and I do respect that.

The fact is that Her Majesty is also not just the monarch as The Queen of Australia but is also obviously recognised in the commonwealth countries. Because we have a commonwealth law system, as distinct from the French or that crazy system they have in America, we actually have the capacity for our counsel to undertake work in other commonwealth jurisdictions. That has been a great advance for a number of our barristers in South Australia and Australia generally. We cannot go to the Privy Council anymore, but we still get a chance to be able to practise around the world.

We have good South Australian firms that have offices in London and Hong Kong and obviously practise in human rights courts. These are really important positions to aspire to, and I want those same South Australians to have an opportunity to fight our cases on behalf of South Australia or South Australians in other jurisdictions and get the work.

Ms BEDFORD: At the beginning, you actually hit on the nub of my conundrum or problem: I still do not get why we have to have two systems in a federation the size of Australia. Can we not take some measures to simplify the whole thing? It just reminds me of the days when a plumber

could not be a plumber in Victoria or New South Wales. I do not see how it is making things easier by doing this.

The Hon. V.A. CHAPMAN: I hear what the member is saying and it may well graduate to other jurisdictions considering the matter. In fairness, I think in the development of Australia, New South Wales have not only had the most senior legal profession personnel in number—it is a bit like the advance of uniform legal practitioner law, which New South Wales and Victoria have signed up to. Western Australia and we—that is, John Quigley, the Labor Attorney-General, and we—are now looking at how we might be able to network into that because we think that is an advantage for our state's people, as well.

I think there is a gradual progression in the recognition of a national badge, as such, but it is not necessarily something that everyone wants to do. We are not here to impose that on others but I have certainly had a number of these discussions with my colleague in the west and I can see the advantage that it has given to counsel in Victoria—not so much in Queensland; I have not had as much involvement with their legal profession, but I have in the past. I think it is something that will develop.

Alternatively—well, I cannot say that because SC has not been patented. It is not something that the barristers own. That has been pretty obvious because the solicitors have taken it. They see the benefit of having SC and they are using it. That raises some confusion and lack of competition and currency. If the member were to have any concern about that aspect of it, I think the Bar Association or the Law Society would have the best advice on that. I have no reason to doubt that that is any different from what occurred in Victoria or Queensland, which have advanced it.

As I said, Western Australia is working with us in relation to the uniform legal practitioner laws. So I think there is some merit in what the member says, but these things usually take a little while to get through the system. Sometimes it is at a bit of a glacial pace. It is not something that we would seek to impose on others; if anything, why not let South Australians capitalise on the benefit of this before the others? I am not selfish; if the others want to join up, I am happy to help them.

The Hon. S.C. MULLIGHAN: Could the Attorney advise the house how many QCs and how many SCs respectively responded to the consultation?

The Hon. V.A. CHAPMAN: It was initially the Bar Association but there is correspondence I have read from other Queen's Counsel and SCs who have presented proposals to me. There were two who indicated they would leave it as it is and both of them are former heads of the Bar Association. As I said, there are a number of them, but there are also a number of people who are not QCs who perhaps, if they were being considered on merit today, would be. Obviously, there is an appetite amongst the profession for that to be acknowledged.

I am confident in the correspondence I have had from the SA Bar Association and the Law Society that they have comprehensively discussed this issue with their membership: the Bar Association in meetings and the Law Society not only in executive but also in the survey, which I have referred to.

The Hon. S.C. MULLIGHAN: I was hoping to understand, other than the Bar Association as an organisation, how many individual QCs and how many SCs responded to or provided some feedback on the bill. The Attorney indicated that two suggested that it be left as it is. I assume that they are SCs who were advising they were happy with it?

The Hon. V.A. CHAPMAN: No, one was a QC and one was an SC; one who elected to stay as an SC and the other one is a QC. Both are male. There is no reflection on them. They just say, 'Leave it as it is'. However, that is not the view of the Bar Association or I think the 67 per cent of the Law Society—843 respondents to the Law Society. Remember, the Law Society are barristers. Everyone has to have a practising certificate, so everyone has to go through the Law Society. They are not all members of it, but they did a survey and there were 843 respondents. From memory, 67.26 per cent wanted the change. I am told it was one of the biggest survey responses they have ever had.

Mr Picton interjecting:

The Hon. V.A. CHAPMAN: They are a bit like political surveys. If you survey your electorate, you are lucky to get a 10 per cent response. I think they did pretty well actually.

The CHAIR: The member for Lee has another question.

The Hon. S.C. MULLIGHAN: You could take this as 2(a), sir. Was it 43 or 843 SCs currently in South Australia?

The Hon. V.A. CHAPMAN: There are 11 SCs and 34 QCs. I know there was some comment being made before during this debate that the member may not have been immediately privy to, but there was a reference to other QCs, people who had been appointed QCs. Some of them are dead and some SCs are on the bench. Of course, I should explain this—

Mr Picton: Does that include ones on the bench?

The Hon. V.A. CHAPMAN: Yes, it does. My adviser says she is not sure whether that does, but can I say this: one person who is an SC who is on the bench was interested in becoming a QC and wanted to but, I was advised, was unable to do so because they could not receive two commissions from The Queen, both as a judge and a QC. So, if that ever happens in the future, they will have to wait until they finish their term to apply to be a Queen's Counsel.

The CHAIR: Member for Lee, given the last question was 2(a), this will be question No. 4.

The Hon. S.C. MULLIGHAN: This is three.

The CHAIR: This is your last question.

The Hon. S.C. MULLIGHAN: Just so I have it correct, there are 11 SCs and 34 QCs and 843 respondents to the survey, all of whom I presume have practising certificates?

The Hon. V.A. CHAPMAN: Assuming that all 843 have practising certificates, whether they are all counsel or whether—the breakdown of how many are QCs or SCs, I do not know the answer to that. You could speak to the Law Society about getting a breakdown of that. The Bar Association, from memory, has about 400 in its membership. I hope I am not offending them by saying that number. It might be 600. It is a very much smaller cohort. It is only barristers who go to the bar, and I think they allow the DPP and a couple of other people who work for the government, but largely you have to be at the independent bar to be a member. I am advised 22 SCs and 34 QCs is the total.

Ms STINSON: I think the Attorney just mentioned the matter I wanted to clarify, which is whether those 34 QCs and 22 SCs also include members who are currently serving on the bench. If she does not know that, would she commit to returning that information to the house?

The Hon. V.A. CHAPMAN: I am happy to do that. We will clarify firstly whether they are there and, if they are not, how many are on the bench. You can look on the public record, but I am happy to get that material for you and get it between the houses.

Ms STINSON: Is it possible to get a list of who the QCs and SCs are? Is that published somewhere? I am aware of the fact the Bar Association does publish the postnominals, but not everyone is a member of the bar. There are some who are not members of the bar and not members of the Law Society.

The Hon. V.A. CHAPMAN: Or indeed QCs who are now retired and do not see the need to pay the high Bar Association fees to be in it. I do understand that. Yes, there is a roll of Queen's Counsel. I do not know whether it goes back as far as having King's Counsel on it. I am not old enough to look back and see who is a KC. The only one I know is Menzies. In any event, they are around. If the list is available, I will arrange for that to be sent electronically to the member. My adviser is just writing down the detail. How many are QCs, how many are SCs and, if they are available, the names of the current ones; is that what you were asking?

Mr PICTON: Yes.

The Hon. V.A. CHAPMAN: And whether or not they are sitting on the bench. We will try and get that information if it is available.

Clause passed

Clause 2.

Mr PICTON: What is the Attorney's intention in terms of when this act would start? On the presumption that it passes parliament within a reasonable period of time, what does she have in mind as a commencement date? Has she discussed the start date with the Supreme Court, the Bar Association or any of the QCs or SCs?

The Hon. V.A. CHAPMAN: I have not discussed it with the Bar Association or the Law Society. I have canvassed it with the Chief Justice, to the extent that I have indicated to him that if the bill did pass through the July sittings, for example, there would be an opportunity for him to undertake his process under chapter 12 for this year if he wished to do so; that is, he could offer to the profession, the opportunity to put in their applications, and he would go through the process of consideration because that normally happens, as I understand it, in August/September each year.

It does not have to be that time, I do not suppose, but under the old chapter 12 rules, there was a time frame in which you had to put in your new application. It was considered within a certain period and, although there was the exception of John Rau's application, which went in out of time after others had been accepted and/or rejected, there is a time for process that is normally abided by. I had indicated to the Chief Justice that if there were an opportunity for that to be available this year, I would try to accommodate that.

That is all I have indicated to the Chief Justice, but usually these things go back to the body that is going to be implementing them and they will say, 'Well, we need an extra three months to train people or two months to do this or that.' I have had that initial conversation with the Chief Justice and, if we are reasonably diligent in our parliamentary process, I would try to accommodate the opportunity for him to appoint Senior Counsel this year, as per the usual practice that operates under chapter 12.

Mr PICTON: When this does commence, the Attorney said that a particular benefit would be that Senior Counsel would become QCs and would be able to get more work. What is she basing that on? Has modelling been undertaken? Has an economic contribution study been done? If so, who undertook that work? Is there a report? Will she release that report if there is one?

The Hon. V.A. CHAPMAN: I personally have not undertaken modelling work. I have received submissions from the Bar Association and the Law Society, as I have said. They have articulated and advocated that that is the position. I have read reports in relation to the lead-up to the Queensland and Victorian model changes, and similar sentiments were raised by the parties canvassing those matters in those jurisdictions.

I have had no evidence to the contrary. In fact, even the two persons—as I said, one is a SC and one is a QC—who have indicated to me, 'Just leave it as it is,' have not advocated that this is not an issue. They have not come to me to say, 'That's a ridiculous idea. Of course, there is no diminution of currency or value of SC compared with QC, and therefore you should ignore it.' I have not had that submission put to me at all.

Nor have I had a submission from the Law Society or any solicitors to suggest that, 'If there's any confusion, we will just drop our SCs as 'special counsel' in our solicitors' world,' for obvious reasons. I think they see it as an advantage, and if they can piggyback on the SC value perhaps they do. I have not asked them to obviously, but there has been no offering of the abandonment of that in relation to the use of 'special counsel', to abbreviate that to SC.

Mr PICTON: When this commences, there is obviously a process that is set up for people to convert or trade in their SC to a QC or a KC, as the case may be. Would there still be the prerogative for the executive and the Governor in Council to appoint a QC outside that process? Would that still be a legal possibility?

The Hon. V.A. CHAPMAN: I am advised no, and there is no intention of the executive to seek to have that power. We do not want that job. We think we are not suited to that job. It does introduce political decisions, and that would be inappropriate. The judges are the best to do that job.

The Hon. S.C. MULLIGHAN: Unfortunately, I was unable to participate in the earlier stages of debate on this bill due to other commitments but, before coming down to participate in this section

of the debate, I seemed to hear the Attorney make reference to the cachet that the postnominal of Queen's Counsel provides legal practitioners, particularly in the commonwealth, and that that was one reason why some had provided their view to the Attorney that the resumption of the QC designation was desirable rather than continuing on with the SC designation.

Of the respondents to or participants in the consultation stage of the formulation of the bill, how many Queen's Counsel and Senior Counsel made it clear that they wished for the resumption of the Queen's Counsel arrangement due to the broader arrangements throughout other parts of the commonwealth?

The Hon. V.A. CHAPMAN: I do not think I could be specific as to how many. I think I have indicated that the Bar Association had their meetings and had these discussions among their membership. They presented this proposal. They presented it to the Chief Justice. They had differing views on what should occur, so I cannot give you a number in that regard. I do recall one Senior Counsel and one Queen's Counsel suggesting that it would be just as easy to leave it as it is.

Rather than abandoning the SC, I want to make it absolutely clear that if somebody is recognised with an SC by the Supreme Court under the new model there would be no obligation on their part to have to seek to have it changed—upgraded, moved on, recalibrated, value-added or however we want to describe it—to a QC. If they wanted to be an SC, they were appointed as an SC and they want to continue as an SC, they are perfectly entitled to do so.

As Attorney-General, I would not have any power to direct them to do it or to impose it, nor would I have a gatekeeper role to say, 'Actually, I don't really like you. You stay out.' SCs would be supported by a process determined by the judges. It would be the executive to whom, if they achieve that and if they wanted to seek to have a Queen's Counsel recognition, they could apply. But it is entirely up to the recognised barrister whether they value-add or upgrade.

The Hon. S.C. MULLIGHAN: I wonder if that reference was in fact almost a Freudian-type throwback to the career of Robin Millhouse, who some will recall was elected to this place in 1955 as a member of the Liberal and Country League and later became known as one of the three splitters to form the Liberal Movement with Steele Hall and Martin Cameron, as we were discussing the other day with reference to the freedom of information legislation. Of course, after some distance, separation and time apart, people were rejoined, and the moderate faction of the Liberal Party as we now know it was reincorporated with the presumably more right-wing elements of the Liberal Movement—

Ms Bedford: The splinters.

The Hon. S.C. MULLIGHAN: —the splinters—to form the South Australian branch of the Liberal Party.

I wondered if the reference to the commonwealth was relevant. Of course, Robin Millhouse had a varied career not just as a member of parliament. He was appointed to the bench from the parliament by a Liberal government, where he had a career for a time as a justice of the Supreme Court. He was also the Chief Justice of Kiribati for a period of time, a member of the commonwealth, and also, I understand, of Nauru and possibly Tuvalu, all remnant members of the commonwealth.

I can understand that Robin Millhouse might have been overlooked for those appointments had he not been a QC; he might not have attracted the interest of the administrations of those countries. It is salutary to remember these lessons because I heard the member for Hammond go on at some length about the extraordinary outrage in the minds of those opposite that someone who had practised extensively as a solicitor and later as a barrister, who happened also to be an attorney-general, could be afforded a postnominal designation of SC. Like the other contributors to this debate, I am happy to say that I can contribute to it as someone who will never be an SC or a QC.

Mr Picton: Don't talk yourself down.

The Hon. S.C. MULLIGHAN: No, I am happy to do it, and I am in good company.

The Hon. V.A. Chapman: The member for Enfield might be, so don't be so rude.

The Hon. S.C. MULLIGHAN: No, true. I was more looking over at the members for Hammond and Heysen.

The CHAIR: We are dealing with hypotheticals, really, aren't we, member for Lee?

The Hon. S.C. MULLIGHAN: No, it is not hypothetical, sir. I guarantee it will not happen. I will not be an SC or a QC; that is true. I was keen to ask the Attorney whether, on the commencement of this bill, some other regimes might also be recommencing as well, regimes which throw us back to a previous time when we tried to recognise people's service in particular professions or areas of community involvement. For example, might the Liberal government in South Australia be making petitions for the resumption of knighthoods, for example, in the same way that Tony Abbott did in 2014?

Rather than adopting a progressive recognition of an Australian's contribution to their particular walk of life, like an Order of Australia award, we might perhaps resume or seek to resume an arrangement where we could have knighthoods. You may differ from me, sir, but if we are to go back to the Queen's Counsel regime for those—let me get these sums right—22 SCs and 34 QCs out of the 843 respondents to the survey, that would leave 790 putative SCs and QCs who are keen to be involved in this consideration. That is remarkable.

Imagine having the opportunity to nominate how well you would like to be recognised for your service to the law. That is remarkable. Perhaps that is why we are in charge of making these laws.

The CHAIR: Member for Lee, this clause deals with the commencement of the act.

The Hon. S.C. MULLIGHAN: Indeed.

The CHAIR: Yes; thank you.

The Hon. S.C. MULLIGHAN: I am fleshing out the point, sir.

Mr Picton: It's a preamble.

The Hon. S.C. MULLIGHAN: Yes, that's right. We are nearly at the nub. I was wondering whether there might be any more monarchical throwbacks that the government might be putting to the parliament in line with the resumption of this sort of regime, in light of what we have seen from the recent efforts of the federal Coalition government to resume knighthoods.

The Hon. V.A. CHAPMAN: I have not seen on behalf of the Victorian or Queensland Labor governments, having restored the opportunity for QC appointments, any rush to knighthoods or other types of monarch-related recognition. Nor is it the intention of this government. I see us as the facilitators for ensuring that we have a regime for competent assessment by judges and the opportunity to have the choice to have a Queen's Counsel or, in due course, potentially a King's Counsel recognition, for all the reasons we have mentioned.

Although the circumstances around the 2008 decision and changes were negotiated between the then chief justice and acting attorney-general Rann, when the opportunity to have Senior Counsel was passed and that structure came into being, all the QCs of South Australia were offered the opportunity to become SCs. Only one decided that he would become an SC: the current Chief Justice. That was entirely his decision.

The member's own father was a Queen's Counsel and very well regarded. It had a level of status in the profession and obviously in his work as he went on to do other commissions and the like. He was recognised by not only the position that he held as Queen's Counsel but also the senior level of expectation that came from that. Obviously, he was also a Supreme Court judge and had an extensive practice at Mullighan, Jordan and Howe and then later at the bar.

I totally respect the decision of those who decided they would keep their Queen's Counsel. That was a currency they had and were honoured with, and they did not want to give it up. Leaving aside the member's father, because I do not want to disrespect him in any way, some other members of that group who were Queen's Counsel had been staunch republicans and probably still are today. When offered to trade in their QC for an SC, they said, 'No, thank you very much. We are keeping our QC.' That is a choice and we respect that.

When the opportunity was given for a commission via the 2018 procedure—that is, to put a commission while the chapter 12 operation was there to present—for people who wanted to convert

from an SC to a QC, the emails could not come in quick enough. There were 17 overnight. In fact, there was an eighteenth: a sitting judge who was then told, 'I'm sorry, actually you have a commission from Her Majesty and you are not allowed to become a QC.' Apparently, there is some process that prohibits them from being able to do that while they are under commission as a judge.

I did not see any groundswell of, 'What on earth is happening here? Why would we want to go and give this option for QCs?' They could not get to the door quick enough. I had the honour of presenting their names for the commission. It did not take any selection process of saying, 'You're in and you're out,' or, 'I don't like you.' That was not a choice. I presented to all those who sought to have the appointment as Queen's Counsel and they were recognised by His Excellency.

I suppose there is a level of expectation that this is a pretty popular opportunity for those who have had them and want to keep them or those who did not have them and had the chance to get them. I cannot comment on Robin Millhouse QC. He was well known to me and was actually counsel for my mother in a very longstanding case. He regularly brought over his army to Kangaroo Island and ran up and down cliff faces and all sorts of things, so he was a man of many talents. Robin Millhouse was also appointed as Queen's Counsel. He was a member of this chamber. I understand that question time used to start at 2 o'clock and he would be given the first question and then he would head off to court at 2.15.

People have very different talents. I cannot make any comment about whether he was appointed to Nauru or any other position that he had post his position at the Supreme Court. It is not uncommon for our senior judges, for the Northern Territory particularly and here, to take positions in those locations for a period of time. Sometimes they used to go to Fiji. We had a very famous contribution from former Judge Wilson who went to Fiji to deal with the death penalty which was constitutionally challenged after an uprising in Fiji probably 15 or so years ago at least, probably 20 years ago.

South Australian senior people have made very significant contributions as jurists in our neighbouring regions and I commend them for it, but I cannot comment any more on whether he was interested—before his death, of course—in changing in any way his role. He may not have ever had the opportunity to be an SC; I do not know.

The Hon. S.C. MULLIGHAN: I am not quite sure why the Attorney made reference to my father given that he had already retired not just from the bench but also from his commissions by the time in 2008 when the SCs came in. I do not think it is surprising at all that people who have already retired from the profession would not be actively seeking to change those sorts of arrangements.

In the same vein, it would not surprise me that someone like the current Chief Justice, Chris Kourakis, would be the sort of person who would want to be first cab off the rank to try not just to make it clear that he has his own belief or preference for what he would like his postnominal to be in this regard but also that he is the sort of person who thinks that if there is to be a progression, a modernisation of this sort of arrangement, away from something that has a direct link to the British monarchy, he would want to try to set an example. That would not surprise me at all.

What I find curious is now the desire not just to continue on with the current arrangement but to provide some relief for those people who are SCs who feel that they have been denied the opportunity to be a QC, even though, of course, the very process and the recognition that being an SC provides are designed to be equivalent to that of a QC. If the argument from the government is that there is an ongoing view in parts of the legal fraternity—or the legal profession, I should say, as we are trying to move away from using such gender-specific language, albeit with the jump back to QC—then surely that indicates a need for the profession to start sending a clearer message that there are more modern progressive ways to recognise service and talent and skill and commitment to the industry.

In that regard, my next question on the commencement, clause 2, and I will make this very brief and perhaps the Attorney could furnish us with an answer after the break, is: are any further efforts planned to coincide with the commencement of this act to try to restore some balance into the recognition, if there is imbalance, between an SC and a QC?

The Hon. V.A. CHAPMAN: No, there is no identified intention on our part. I do not imagine that either the Bar Association or the Law Society are proposing any attempt in that regard. As I say,

there has been no challenge to the use of SC postnominals by solicitors who were 'special counsel'. As to the rest of it, I will just take that as a comment.

Sitting suspended from 17:59 to 19:30.

Clause passed.

Clause 3 passed.

Clause 4.

Mr PICTON: We did have some discussion earlier about KCs which, before this bill, is something I probably had not given a lot of thought to. Of course, we have all grown accustomed, particularly people such as myself, who were born during Queen Elizabeth II's reign, to it being a QC—

The Hon. V.A. Chapman: All of us have been, I think.

Mr PICTON: That's true—

The Hon. V.A. Chapman: Who else in the parliament would have been here when—

Mr PICTON: I would not want to guess people's age, whether anyone was born before 1952, but there may be somebody who was born before 1952. However, for most of us, the vast majority of people, we have grown accustomed to it being a QC. The Attorney mentioned that probably the only KC she could remember was Sir Robert Menzies; presumably after 1952 that became a QC, but beforehand it would have been a KC.

To the extent we have been talking about there being a cachet attached to a QC, I propose that is actually attached to a QC and that nobody really understands what a KC is. It has been 68 years since there have been KCs, a very long period of time. There may be some people alive who were once KCs, but I imagine they would be in their late 90s, if not older. Of course, I wish Queen Elizabeth II a very long life, but the sad truth is that all of us depart the earth at some stage. At that time it will become a KC, and the cachet that was associated with a QC will evaporate.

The argument being put forward in this entire bill is that there is this associated cachet and that people understand what a QC is, but that will evaporate upon The Queen's death and it will become a KC. What thought has the Attorney given to that, particularly with the fact that people might be more familiar, at the time of The Queen's death, with an SC than a KC? That may have more stature in the community because people understand, from New South Wales and other jurisdictions where there are SCs.

Should we look at a situation where, upon The Queen's death, we do convert the system to SCs rather than QCs, because there will be no more QCs, or do we continue QC onwards forevermore, disconnected to the current reign of the sovereign but as a nod to Queen Elizabeth, because that would contain the cachet that apparently this bill is designed to protect?

There are a few questions there to the Attorney in terms of what she presumes will be the step after the death of our sovereign, Her Majesty Queen Elizabeth II. Notwithstanding the Attorney's discussion as to whether any of those heirs may depart the earth, hopefully that is not happening and it will be King Charles who takes the reins, and all these people whom we are trying to protect with their QCs will have that evaporated overnight.

The Hon. V.A. CHAPMAN: I am not of an era pre Queen—or BQ, 'before Queen'—so I am not familiar with what the practice was at the time of the death of King George VI, with the accession to the Crown of the young Princess Elizabeth, but I understand there was a capacity to convert that to Queen's Counsel, the concept being that the counsel, back in those days, was a counsel to the monarch. That has been the tradition of this status.

Certainly, the member raises some interesting questions about whether we would, in some way, want to continue the Queen's Counsel, on the basis that that has some level of gravitas because of Her Majesty, her long reign and high regard, and all the things that go with her respect in the community. I do not move away from that at all, but the concept is that counsel to the reigning monarch is the status that is associated with it.

Other countries like England, Canada and others use this Queen's Counsel. Even a country like New Zealand still has Queen's Counsel. These are all matters that I suppose will develop in the future, but at the moment I expect that in the lifetime of some of us here there will be a king on the British throne, remembering that under our Australia Act the king or queen of England is also the king or queen of Australia; it is a separate title.

Unless we move to the republican side of matters, that will continue, but the contaminant to the currency and value of the SC line will not change. That is limited by the existence of 'special counsel', as I have explained before, so the devaluing I suppose of that SC allocation. This is no disrespect to the solicitors who are appointed as 'special counsel', but SC is being paraded as a form of status for 'special counsel', and in addition to Senior Counsel, so we have plenty of these others, in fact many more who are in solicitors' firms registered to operate in South Australia than we have of Senior Counsel and Queen's Counsel put together. This is the practical problem that we are looking at.

Of course, provision is here for Queen's Counsel or King's Counsel for obvious reasons, and I think if we maintain this counsel to the monarch concept then for some time we have three generations to come of the heir to the throne generationally being a male firstborn, so I think we have a long line of blokes. That is no reflection on Charles, William or George, but at the end of the day I think it will be a long time before we get a Queen Beatrice or anyone else.

Mr PICTON: In relation to how this has been structured, what I understand is that people will be appointed SCs by the court. They will then be able to apply to the Attorney-General to be elevated—that is a question as to whether it is an elevation or not—to a QC or a KC, and that will happen through the Governor, presumably in Executive Council. However, the removal of a QC is not by the Governor but by the Chief Justice, which is a peculiar scenario in which the Governor appoints, but it is not the Governor who removes: it is the court who removes.

The question is how that has come to pass, that there is a difference between the two, particularly given that the history of the QC, as the Attorney was just saying, is associated with being part of the Queen's Counsel—associated with the executive to the queen or the king—but now the court is going to decide whether that person is removed or not. It does seem a peculiar scenario not to have any ability for the Governor to do that and for the court to not recommend to the Governor that the person be appointed as the QC but the Attorney-General doing that and the court then being able to remove that person.

The Hon. V.A. CHAPMAN: That is a fair question. In short, the appointment or recognition of a Queen's Counsel is with the court, as is the advance of a legal practitioner. He who gives takes away, to this extent. Whilst there might be what we could describe as an advance or as value-adding to the SC model, the appointment—the recognition of something to be of senior status for the purpose of appointment—is with the courts. They make that assessment, and the court will make the assessment if there is a valid reason for the removal of that—misconduct or some other precedence in that regard.

That is entirely appropriate because this proposal is consistent with the determination of someone's merit being by the court for the purposes of being recognised as a Senior Counsel. Only with that qualification is this proposal for the eligibility able to be recognised as a Queen's Counsel. If you remove the primary assessment and the capacity to be a Senior Counsel, it follows that you should not be able to continue to operate as a Queen's Counsel if the Supreme Court had determined that you no longer should validly have recognition as a Senior Counsel, in the generic sense. That is the only reason.

The qualification and the disqualification are determinations of the Supreme Court. The right to be able to be a Queen's Counsel is dependent upon a continued assessment as a Senior Counsel. If that is withdrawn then the others lapse. It has been drafted in that way, and the draft of this has gone for approval to the Solicitor-General and also to the Bar Association and the Chief Justice.

Mr PICTON: I note in the bill that the drafting refers to somebody taking precedence as a Queen's Counsel or a King's Counsel, which drives me to ask whether there is a precedence, in any form, of a Queen's Counsel over a Senior Counsel, whether that is in the order of precedence or any other legal precedence. I am trying to think of that unit in the DPC who—

Ms Stinson: Protocol.

Mr PICTON: The protocol manner in which there is a precedence between a Queen's Counsel and a Senior Counsel.

The Hon. V.A. CHAPMAN: There is no precedence that is applicable to support the principle that a Queen's Counsel is superior to a Senior Counsel. Precedence relates to the date of appointment and the priority in which they are recognised. We are currently trying to get hold of the role of Queen's Counsel, who is appointed at a certain date and has precedence in order of their appointment. Similarly, we have precedence in the order of appointment of judges. In the Supreme Court, for example, the order of appointment is the Chief Justice, who was appointed as a puisne judge originally and then elevated to Chief Justice. Then we have the Hon. Trish Kelly, who is the next in precedence of appointment. That relates to the—

Mr PICTON: So there is one list, not two lists.

The Hon. V.A. CHAPMAN: Correct. So there is no suggestion that a person who is appointed as Senior Counsel in 2020 and does not elect to be a Queen's Counsel is in any way diminished by someone who is appointed as Senior Counsel in 2021, who then applies for and is granted Queen's Counsel, as though that somehow or other has some superiority over the senior counsel appointment from 2020.

They are both appointed as senior counsel by the Supreme Court in order of precedence and the value-adding of such—I have described it in that way—or the advance to the appointment as Queen's Counsel does not take them out of the order of that. They will simply be recorded thereafter and recognised in judgements, in public and before the court as QC instead of SC or KC, as the case may be.

Ms BEDFORD: Attorney, you indicated earlier that you have no interest or desire to be involved in these appointments, but what is to stop a less scrupulous attorney-general in the future ignoring the obligatory provisions in the bill?

The Hon. V.A. CHAPMAN: The obligation in this bill is to oblige as a must the attorney-general to present the case for commission as Queen's Counsel or King's Counsel, if the applicant seeks it. There is no discretion on the attorney-general. If, for example, there was reference in here that the attorney-general may present that—that is, advance that on application—then it would give a discretion to the attorney-general to reject someone they did not like or did not consider it was a meritorious advance or put nobody up at all.

That is one of the risks of making that an option to an attorney-general, that someone in the future might decide they do not want to put anybody up or start politically picking people. I think that would completely defeat the purpose of having the judiciary as the arbiter of whether someone is of merit to be Senior Counsel and would take away the choice of the barrister themselves for he or she to seek that advance to Queen's Counsel and place it in the hands of an attorney-general. I hope that all attorneys-general would remember their role as the senior law officer of the state, but we cannot be sure.

There could be a situation where an attorney-general were to act on a political basis. That, in my view, would defeat the purpose of all of this and would potentially undermine it and would certainly bring back politics to the appointment which it has been rid of since 1970. At least from 1970 on, the approval of the chief justice was required before an executive could even act for the appointment of Senior Counsel, and then of course in 2008 we changed the structure.

So I think there is an important benefit in the attorney-general of the day being obliged if they receive an application to submit their name and that should not be an optional extra. That should be a discretion of attorneys-general. It should be mandatory. I have had some people canvass to me the idea of having that as an option, but of course it could lead to the sabotage of the whole process to be perfectly frank. It could lead to a situation where a future attorney-general says, 'I am not going to put anybody up,' and therefore deny those who seek to have that status and elect to have it and make that something that is potentially political. I think that would be a significant diminution of the value of this whole process.

Ms BEDFORD: I would still like some clarification, if we could, Attorney, on how the title SC or QC is going to help anyone, in particular my constituents, work out who is best able to represent or defend them in a matter.

The Hon. V.A. CHAPMAN: Firstly, your constituents need to be confident that if someone has been appointed to Senior Counsel rank that it has been done by people who are in a position to observe them and be able to monitor whether they are worthy of that assessment. In my view, those people are members of the Supreme Court. They are the most superior court members in our structure and they see, essentially, the best of our counsel.

Sadly, a lot of our counsel go interstate and a lot of our Senior Counsel are in the Federal Court. I would like to think that our Supreme Court could actually attract back some of this work, and I will do everything I can to support them to do that. From the constituents' point of view, from the people of South Australia's point of view, they need to know that there is a high standard of people who are advocating cases, making common law before judges, that is, putting the submissions in for judges to make decisions. That is an accumulation of common law that affects your constituents' lives.

So it is important that we have the best and brightest brains making those submissions, giving the best information possible to the judges to make these decisions, and recognise that, if they are identified by their judicial peers as such, they have an opportunity of being Queen's Counsel or King's Counsel—that is true—but the process is one in which the Supreme Court judges make that assessment, and I think that is critical to maintain.

As has been pointed out in the member for Kaurna's questions, they will also have the right to give and the right to take away—the qualifying feature which can be added on later by a Queen's Counsel or King's Counsel appointment, but which fundamentally must be there as a base of achievement, a threshold to get over, and they have to maintain that. If there is an issue of misconduct, the Supreme Court would act to strip them of that recognition. I cannot immediately think where that has occurred to anyone.

I have seen cases where people have been removed from their right to practise and disqualified from holding a legal practitioner's practising certificate, which means they are then not able to act as solicitor or barrister. Sometimes they are suspended, not completely disqualified, for a period of time. Recently, an application came before me to give me advice that a former practitioner who had been struck off was applying to the Supreme Court to be readmitted. That is a process that as Attorney-General I am told about; I have a right to put a submission in in those sorts of things. As it turned out in that case I did not; the Law Society was handling the matter.

The arbiters of who is a fit and proper person to be admitted or readmitted, and also to have the highest status of Senior Counsel, is and remains under this proposal with the Supreme Court. I maintain that that is how it should be and that if they want to have the option to value-add then they are going to have that threshold first.

Ms BEDFORD: Earlier, we talked about the number of people who were QCs or SCs and the genders of those people. There is a glaring imbalance in what we are presented with. Has the Attorney any idea or suggestions about how that imbalance might be redressed? We often hear the argument about merit flung around this chamber as well, and I think the number of female lawyers involved in practice in South Australia is such now that there would be any number of meritorious female applicants for this sort of position. What will the Attorney do to help address the imbalance?

The Hon. V.A. CHAPMAN: The first thing is to make sure that we have a process that recognises a senior level of counsel. We need to do that because I cannot elevate anybody or present anybody for recognition unless we get that sorted out, and I think the sooner we do it the better.

Secondly, as Attorney-General I meet with the Women Lawyers Association and representatives of women at the bar. I think it is a role as Attorney-General, and as the first female Attorney-General, to ensure that we not only meet with but encourage people to nominate or encourage themselves to put forward an application, as is the chapter 12 process these days. Usually, it does not happen without somebody saying, 'I think you really do need to consider this.'

Ms Bedford: It's like the Order of Australia.

The Hon. V.A. CHAPMAN: Well, it's not a nomination. You do not nominate somebody as you do for the Order of Australia, which is a secret squirrel sort of process. For any one of us in these positions, not just as Attorney-General but as members of parliament, it is important for us to say that to people we think have merit—whether they want to stand for parliament, or advance their name for Senior Counsel—to put forward a nomination to be a magistrate or a judge, for example. These are all things that I think we have a role in promoting good counsel.

As you probably know, for about 30 years now there have been more women graduates than men out of the law school in South Australia each year—now three law schools—but there is a shallow representation in numbers in the QC ranks, SC ranks and/or bench appointments. I hope with the recognition I have given to senior women in appointments to the District Court—I have not had the opportunity in the Supreme Court other than the appeal court at this point, but there are three more to go in that regard—that the member would recognise that some very good women have been appointed and I am proud of that as Attorney-General.

I think there is a need, just as in parliament, for there to be a reflection in the body that either adjudicates on them or makes the law, whichever is to apply, to have representation both culturally and in gender. I am an advocate of that, and I therefore say to the member for Florey that, certainly in the role as Attorney-General, I consider it quite a privilege and I think therefore regularly meeting with those organisations that can foster and nurture that advancement will have my attention.

Ms STINSON: I want to ask a question about some comments the Attorney made earlier in response to a question in which she was asserting that there are some members of the legal profession who use the postnominal 'SC' but are in fact not SCs and are actually 'special counsel'. If that is the case—and I see the Attorney nodding—then what has the Attorney done to raise that?

Surely, that is quite fraudulent behaviour of anyone to represent themselves as something they are not, particularly in a public way. Clearly, 'special counsel' is not the same as SC and anyone in the legal profession would know it is not the same, so what is the Attorney doing to prevent any such misleading behaviour by members of the legal profession to the public or even within the profession?

The Hon. V.A. CHAPMAN: I think the member needs to be careful to use the word 'misleading'. As I said in my earlier contribution, there is no patented entitlement to the postnominal SC by barristers and so the Senior Counsel (SC) nominal is not something they have ownership of. So if the solicitors' world develops 'special counsel' as a title and they abbreviate it after their names as SC, they are perfectly legally entitled to do that. I have made quite a lengthy contribution to this debate about that issue.

It is not a question of saying, 'You people over there in the solicitors' world, we have been using this since 2008, so you people shouldn't use it.' This is something that is out there and is a recognition of people who have advanced within a solicitor's world. They have as much right to use SC as anyone else. The problem for the Senior Counsel, as barristers, is that they feel that that has reduced the status or the value of SC for the purposes of Senior Counsel.

I cannot make it any more explicit: there is no power for the barristers to say to the solicitors, 'Tough luck. I know that this has been used internationally in the commercial world, in solicitors' worlds, but we have been using it now since 2008 in South Australia and some other jurisdictions,' because it was all in the last decade that other jurisdictions moved to this SC model, and say, 'We want to have this exclusively.' That is not available to them and nor am I in a position to say to them, 'I am picking the side of the barristers and they should be able to use SC and not the solicitors.'

This is the real world and this is one of the reasons, and one of the pre-eminent reasons, that the bar has come to us—and the bar did in Victoria and the bar did in Queensland to their Labor governments—to say, 'The currency of our status is just smashed and we need to be able to use monarchical postnominals to be able to compete,' and I hear that.

Just in case the member did not hear this, I have not actually had it raised, even by the two people who are Senior Counsel—one is a Senior Counsel and one is a QC—who said, 'Look, just leave it as it is.' Neither of them raised with me that there was no merit in this argument about the

loss of status as a result of the use or overuse or extended use of 'special counsel' within solicitors' firms.

As I said, there are plenty of these people who have the right to practise in South Australia. Some of them are posted in other headquarters of their firms. They are perfectly entitled to use the postnominal and they do and they get status within their firm. There are plenty more of them, actually, who never go to court and who well and truly outnumber the status of the barristers we are talking about.

That is the problem in a nutshell, and I do not have any power to interfere with that. I suppose the barristers or solicitors, one or the other, could have gone and tried to patent this sort of title, but it is too late now; it is used internationally.

Ms STINSON: Can the Attorney provide any examples of people using this SC when they are actually 'special counsel'? I know quite a few people who are 'special counsel' and they certainly do not refer to themselves as SC. I have never heard them refer to themselves as an SC and I have certainly never seen them put the letters SC after their names. They describe themselves as 'special counsel'.

Has the Attorney had anyone raise this in writing with her that there are people who are using SC to mean 'special counsel' and that this is causing some sort of confusion? Based on what the Attorney just said, does it follow, then, that I could just go out there and call myself Jayne Stinson QC and there would be nothing that you would be able to do to stop me from misrepresenting myself as a Queen's Counsel in public if there are no rules around that?

In any other profession, if someone was professing that they were and had qualifications of a particular profession, whether that is a trade or whether it is a professional line of work, I just cannot see that you, who are also responsible for the area of fair trading and consumer and business services would say, 'That's fine and there's nothing I can do about it if someone wants to represent themselves with two letters that most people would understand to stand for Senior Counsel when actually they stand for something entirely different.'

My questions are around where this is actually happening, because it is not something I am aware of. Of course, I do not have as extensive legal contacts as you or many on the other side would, but having worked in that area as a court reporter for many years and having spoken with many 'special counsel' on matters, it is just not something that has ever been raised with me before and certainly not something that has been raised in the context of there being any sort of confusion. I have just never heard of that SC postnominal being used.

I am really disturbed if that is happening, because that would mean that people are representing themselves to members of the public who maybe would not know the difference between 'special counsel' and Senior Counsel and maybe extracting some sort of benefit from that or gaining additional business by people being misled into thinking that they are Senior Counsel when they are not.

Like I said, I am not aware of that happening, but I think it would be incumbent on the Attorney to disclose what is happening if she says that this is happening and to actually see what the parliament can do. It does not seem consistent to me or similar at all in the approach that we would take to any other trade or profession where someone is publicly misrepresenting what it is and what qualifications and what recognition they have within their profession.

The Hon. V.A. CHAPMAN: Firstly, can I be absolutely clear: the member for Badcoe could not describe herself as Jayne Stinson QC. That would be a misrepresentation. The QC title has to be granted as Queen's Counsel. There is no question about that. Even with a legal qualification, if you go through and get your Senior Counsel title, you have to actually go through that process to be appointed as Queen's Counsel.

The 'special counsel' is different to the following extent. You have a Senior Counsel rank; you put SC after your name as Senior Counsel. We have had that regime in South Australia since 2008. The world did not start in 2008, I have to tell some younger members occasionally. I tell my own children that the world did not start 20 years ago. The fact is, though, that a 'special counsel' has become the new senior status as a senior barrister.

However, grown up separately to that is the 'special counsel' title. These are people sometimes described in the solicitors' world as people who may not be advanced enough to be given a partnership. It is almost like a sort of second status as 'special counsel' within a firm. That might be an unkind description of it, but it is not an uncommon description that is made. You get a bit of recognition, but you are not actually good enough to be offered a partnership, so they say, 'You have been with us 15 years, so we are going to make you "special counsel".'

Mr Picton: Do they use the initials?

The Hon. V.A. CHAPMAN: Not always. They may simply record themselves on the letterhead as 'special counsel'. There is nothing stopping them having SC as a recognition—

Ms Stinson: Yes, but are they using it? Are they actually using it?

The Hon. V.A. CHAPMAN: That is my understanding. All you have to do is meet with the Bar Association, if you have not already. Any member is welcome to do that, and I urge them to do it. This is the issue that has been raised with them and the watering down of the currency.

Ms Stinson: So they told you that people are using this.

The Hon. V.A. CHAPMAN: I cannot make it any clearer. If you do not accept it from me, go and speak to the Bar Association. Go and speak to the colleagues of the Bar Association in Victoria who presented this argument to the Victorian government and Queensland. They are all on this page of identifying the diminution of the value of the currency relative to the QC label in the commonwealth family and, secondly, the elevation of the use of 'special counsel' as a confusing and competing label.

I do not want to be rude about describing it, but it is a descriptor that people use to in some way hold themselves out as being better than the average. That is fine, but I just make the point that barristers do not own it exclusively and it is causing confusion. If you have any concern about that, even if the member has not heard of it herself personally, and I accept that in the courtrooms that she dealt with in her previous life as a court reporter she may well have come across those who were not 'special counsel'.

Some would have been 'special counsel' as instructors because a number of them would be instructing solicitors, I would think. Though predominantly, in my experience, 'special counsels' have been multiplying in number in the commercial world as distinct from the criminal world, they are obviously an effuse profession in South Australia and an opportunity for a firm to provide a variety of services.

I cannot make it any clearer from my perspective. I accept that submission. I have not had an indication from the two people who have said to me, 'Just leave it as it is,' that it is a competing element that is not worthy of addressing. They have not come to me to say, 'Look, that's just a crock. It's just complete nonsense. Everybody out there in the world knows what a QC is, what a "special counsel" is, what a Senior Counsel is, and this is just a nonsense. There is no competition on this.'

I have never had that put to me in the submissions that have received. I accept it as being a valid concern, and the growth of this as a status-achieving elevation in the commercial world is something that is only going to be a greater problem, hence why we are here.

Ms STINSON: Has the Bar Association specifically raised with the Attorney the assertion that there are people who are special counsel who are using the postnominal SC in the way that they publicly represent themselves—

Mr Picton: The abbreviation.

Ms STINSON: —the abbreviation SC—when they are actually 'special counsel' and not Senior Counsel? If that is the case and that is her understanding—and she is nodding so I will leave it to her to respond—and if the Attorney is saying that the Bar Association or others in the profession have drawn her attention to the fact that there are professionals, lawyers, who are in fact 'special counsel' but are representing themselves with the postnominal SC, which could be misunderstood by members of the public or even people within the profession to mean Senior Counsel, I would call on the Attorney to do something about that. It is clearly quite misleading.

The other thing I would say is that clearly in our legislation there is Senior Counsel. There is a definition of what Senior Counsel is, just as there is a definition of what Queen's Counsel is, so I fail to understand how someone could simply be let off the hook because there is no definition, or no commonly understood understanding, of what SC represents, that is, Senior Counsel. I call on the Attorney to investigate this matter further if she has had this drawn to her attention in light of the fact that it could well be misleading to members of the public as to who they are actually engaging for legal business.

The Hon. V.A. CHAPMAN: I do not know how I can make it any clearer. I think it is unwise for the member to continue to describe the use of the title as misleading. The position of the Bar Association is that it causes confusion as to what their status is and that that is a concern for them. I urge her to speak to them about that if she is not satisfied.

With Queen's Counsel, there is a rule. You cannot just simply use the royal insignia. You cannot use 'The Queen'. There are a whole lot of rules surrounding 'royal'. When the Royal Adelaide Hospital, for example, was allowed to use the title, it had to get The Queen's permission and also, in fact, even to discard it, which I had to look at when a former government under the Rann administration decided they wanted to call it the Marjorie Jackson-Nelson hospital. That lasted for a very short time because it was soon exposed as being completely without consultation and much concern was raised about it.

Leaving that aside, it was pointed out that even to take away the royal charter you needed The Queen's permission. Anyway, that bit the dust, so that was no longer an issue and the premier of the day announced that he would be retaining the name. Thank goodness for that, especially because he did not have The Queen's permission. So there is an envelope of protection around a Queen's Counsel or King's Counsel, but the confusion that arises out of somebody describing themselves as 'special counsel', as distinct from Senior Counsel, which is clearly solicitor versus barrister respectively, is one that is of concern. I accept that.

For the third time, I have no power to say who can use it or not. If the member were to say, 'Perhaps as a parliament we should look at saying it's only available for barristers,' what about the hundreds, perhaps thousands, of SCs out there, or 'special counsel', who say, 'Hang on a minute, I have been a 'special counsel' for 15 years'?

Mr Picton interjecting:

The Hon. V.A. CHAPMAN: I am just simply making that point. If they want to be able to say, 'I am Senior Counsel in my firm' and use that expression if they wish, then if the parliament says, 'We are going to make a decision about whether barristers get to use it or solicitors get to use it—

Ms Stinson interjecting:

The Hon. V.A. CHAPMAN: You can raise it if you like, but I am not going to be in the picking business of who gets to have the use of SC as an exclusive use. I accept that when you have special counsel and Senior Counsel in the arena it is confusing. If somebody comes along and says, 'I'm special counsel' and they think they must be one of those really important people who have been recognised, that is a problem. The member might like to advance that with the Bar Association if she is not satisfied that this has not caused a problem. I am satisfied.

Ms MICHAELS: Can I just ask for further clarification; I'm sorry to harp on the point. I understand the confusion between 'special counsel' and Senior Counsel that might be found by consumers of legal services, but I am not aware of a specific example of any 'special counsel' who uses the letters SC as postnominals after their name. Can you perhaps take that on notice and see if there are any specific examples of that?

The Hon. V.A. CHAPMAN: I am happy to do that, thank you member.

Clause passed.

Schedule.

Mr PICTON: I was going to ask one final question that piqued my interest in terms of the Attorney's discussion of the consultation that needs to happen around the word 'royal'. Has any consultation happened with the Palace in regard to the Attorney's plans in this regard?

The Hon. V.A. CHAPMAN: The Governor is the representative of The Queen in South Australia. He or she, depending on who holds the office, is the person who makes that determination. It is presented by the Attorney-General of the day to the Governor. Obviously, the Governor has a role with The Queen. I am not suggesting that he would act outside the request by the executive to consider that. There are certain reserve powers that the Governor has, but he or she, whoever holds that office, is the representative of The Queen. This is not a question of our saying that we are going to call this a new name or provide a new thing without recourse to the Governor. It is going to The Queen's representative for approval.

Mr PICTON: If I were a solicitor working in a law firm in South Australia and I were a specialist in Queensland law and I called myself Chris Picton Queensland Counsel, could I use the postnominals QC after my name?

The Hon. V.A. CHAPMAN: I would doubt that, but I do not know, I have never considered that question. I cannot imagine what benefit it would be. It would be like being SAC (South Australian Counsel) or a VicC. It does not seem to create any great status, and that is no reflection on Queensland.

Mr Picton: There is no status in QC?

The Hon. V.A. CHAPMAN: No, it is not a reflection on Queensland, in the sense of the place where you come from. I would be very surprised if that were allowed because of the QC and KC postnominals that are referred to. That is what I would expect. I suppose you could be Sydney Counsel and call yourself SC. It is the same sort of principle, some geographical status. I had not considered it, but I cannot see any benefit for somebody to geographically be—who would want to be a Tasmanian Counsel, for example. But I just make that point. I do not know, I have not considered it.

Schedule passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (20:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (LICENCE DISQUALIFICATION) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

Parliamentary Committees

SELECT COMMITTEE ON THE WAITE TRUST (VESTING OF LAND) BILL

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (20:23): I bring up the report of the select committee, together with minutes of proceedings.

Report received.

The DEPUTY SPEAKER: It has been received. We will move that it be noted and then I think we will be able to throw to speakers. Minister, could you move that that report be noted?

The Hon. S.K. KNOLL: Mr Deputy Speaker, it was the will of the committee that the report be tabled and it was a resolution of the committee that that is what we do today.

The DEPUTY SPEAKER: It has been tabled. You can move that it be noted.

The Hon. A. KOUTSANTONIS (West Torrens) (20:24): I move:

That the report be noted.

The DEPUTY SPEAKER: Thank you, member for West Torrens.

The Hon. S.K. KNOLL: Sorry, Mr Deputy Speaker—

The Hon. A. KOUTSANTONIS: It is an acceptable motion. Sit down.

The DEPUTY SPEAKER: Just wait, member for West Torrens.

The Hon. S.K. KNOLL: I had a preceding motion to lay it on the table—

The DEPUTY SPEAKER: You will have to speak up, minister, I cannot hear what you are saying. Member for West Torrens, can you just take a seat for a moment, please.

The Hon. A. KOUTSANTONIS: Sir, I moved a motion.

The Hon. S.K. KNOLL: I had a preceding motion.

The DEPUTY SPEAKER: Let's wind it back a bit. The Minister for Transport has come in and tabled a report.

The Hon. A. KOUTSANTONIS: Then I moved that it be noted.

The DEPUTY SPEAKER: It will be in the hands of the minister. Did you move earlier that it be noted or not?

The Hon. A. KOUTSANTONIS: He does not want to debate it, sir.

The Hon. S.K. KNOLL: I moved that it be received, and then I said that it was a resolution of the committee that the report be tabled.

The DEPUTY SPEAKER: Yes, that has happened, but it still needs to be noted.

The Hon. S.K. KNOLL: I might seek advice from the Clerk, but it was the resolution of the committee that the report be tabled.

The DEPUTY SPEAKER: The report has been tabled. It is not absolutely necessary that the minister move that it be noted.

The Hon. A. KOUTSANTONIS: I moved that it be noted, sir.

The DEPUTY SPEAKER: So we are back to the member for West Torrens, who has moved that it be noted. Is that seconded?

Ms Stinson: It is, sir, yes.

The DEPUTY SPEAKER: You are okay, member for West Torrens. It has been moved and seconded but not passed. You now have the opportunity to speak.

The Hon. A. KOUTSANTONIS: For how long, sir?

The DEPUTY SPEAKER: It sounds like 20 minutes.

The Hon. A. KOUTSANTONIS: Excellent. Thank you, sir. The incompetence of the Minister for Transport and Infrastructure knows no bounds—absolutely none. The arrogance of this—

The DEPUTY SPEAKER: We are debating the report.

The Hon. A. KOUTSANTONIS: Yes, sir. The arrogance of this young man boggles me—the idea that he could somehow hold two committee meetings on a hybrid bill. The minister held the meeting today while the Labor Party caucus was on, and the two Labor members could not attend because we were at a caucus meeting. Discourteous does not cover the arrogance of what this minister has done—the idea that any government would use its numbers to hold a select committee while a caucus is on, knowing that we cannot attend, and then attempt to stop debate here on a bill that has bipartisan support.

The bill is going to pass. All we wanted to do was have one hearing, but the minister refused even to contemplate that. He refused to contemplate that it was a hybrid bill and fought that the whole way. When he found out it was a hybrid bill, he was forced to have a select committee. He tried to

ram it through the select committee. He even sat and held the committee meeting while the bells were ringing.

Everyone in this parliament knows that when the bells are ringing committee meetings end because the house takes precedence but, of course, the minister is using his numbers in the parliament to override the precedence of this parliament.

Ms Stinson: Just arrogant.

The Hon. A. KOUTSANTONIS: Arrogant, and stupid alongside him. Arrogant and stupid, maladministrating his way through his first two years as a minister. Misconduct and maladministration are his catchcry, aren't they, Stephan? We will all find out soon enough about the maladministration and misconduct going on in his office.

We are now going to have a report that committee members have not even had the chance to consider. I have not seen a copy of it and I am on the committee. The minister tables it and then tries to vote against even the parliament considering it. There is a definition of arrogance, sir: it resides in the member for Schubert. How can he possibly turn up during caucus? That is right—leave the caucus to come to a committee meeting. Well, caucus meetings and party room meetings are there for a reason. The parliament even provides space for these.

This minister has attempted to do this on a bill that we have agreed to pass. I even gave my word to the minister that it will pass before the winter recess and he still cannot keep to an agreement; he still cannot do it. I gave him my word that it would pass this parliament, this house and the upper house, and he still cannot bring himself to abide by any common sense or common decency. I do not know what the report says. He has just tabled it. He had a meeting with just Liberal members and decided this is good enough. It is a whitewash.

Ms Stinson: What a joke.

The Hon. A. KOUTSANTONIS: And it is a joke. All he had to do was accommodate the opposition for one meeting, and he could not bring himself to do it. Why? Because he is a child; he is an absolute child. Everything he has he has had given to him, and now, when he cannot get his way, he just uses the numbers, which is why his career is littered with incompetence, backflips, people briefing against him in his own party room, telling him daily that he is the best Labor MP in the parliament. That is how much they think of him. And now he does this again.

What is wrong when the opposition say we will support this bill? I gave him my word that it will pass both houses of parliament before the winter recess if he only allowed us to attend the committee meeting rather than schedule it when caucus is sitting. He was told caucus was on and we could not go. But, sir, without—

The Hon. S.K. Knoll: Hang on! Tom, when did you provide that?

The Hon. A. KOUTSANTONIS: You told it to the Clerk of the committee.

The Hon. S.K. Knoll: When? What time this morning? How many minutes before the start of the meeting?

The DEPUTY SPEAKER: Minister, you will have an opportunity later on. Member for West Torrens, you are labouring this point.

The Hon. A. KOUTSANTONIS: This is what I am being forced to deal with as manager of opposition business and government business: a child, a child with an idiot standing behind him who has not been here long enough to know how the parliament works. It is a hybrid bill—did not want it to happen. Select committee—sat while the bells were ringing; pure breach of the standing orders. Then he holds a meeting while the caucus is on knowing we cannot be there and then tries to ram it through, and when we wanted to have a debate on what the report says he voted no. He did not want to even debate it. He just wanted it tabled. That is childish and undemocratic.

Ms Stinson: And pointless.

The Hon. A. KOUTSANTONIS: Yes, and pointless, because we agree with the bill. We agree with the bill, but we have the coach alongside here who knows nothing about parliamentary procedure other than what he is told by his staff, and then just smiles—just smiles.

The Hon. D.C. van Holst Pellekaan: Stay on track.

The Hon. A. KOUTSANTONIS: Stay on track. Well, the good thing about—

Ms Stinson: Is that advice you are giving to Stephan?

The Hon. A. KOUTSANTONIS: Yes, well, the advice being given to Stephan is not by his colleagues; it is by lawyers, isn't it, Stephan? It is by lawyers. We will find out soon enough what those lawyers have said, won't we, Stephan? Smile all you like. I know what we are talking about. Do your colleagues? Have you told them?

The Hon. S.K. Knoll: Well, why don't you say?

The Hon. A. KOUTSANTONIS: You have not told them, have you?

The DEPUTY SPEAKER: Member for West Torrens!

The Hon. A. KOUTSANTONIS: Do not worry; they will find out soon enough.

The DEPUTY SPEAKER: Member for West Torrens!

The Hon. A. KOUTSANTONIS: They will find out soon enough, but that is alright. In my experience, there would be one person concerned about you: you—and the rest will be thinking to themselves, 'Ah, a vacancy!' That is what your colleagues will be thinking. I would have thought the prudent thing to do with a bill that has bipartisan support is, rather than agitate the opposition to the point where we have these debates unnecessarily, actually have a meeting when the opposition can be there. It is just not that difficult.

The worst part about it is the member for Schubert knows that I am not that difficult to work with and that when he has asked me for things and called me for things I generally agree with everything he asks me to do. He stopped me in the middle of the street yesterday to say that the opposition had agreed to suspend standing orders this morning. I was not told a thing, yet we had an agreement that I would be given 24 hours' notice of any suspension. That did not occur. He spoke to me about it, it was fine. This minister knows that when he calls me things happen smoothly.

What has happened here is that he has not turned up to the debate on time. The house is confused about what is going on because he is not here. He gets here and he tries to subvert the process of the parliament by saying, 'I just want the report tabled, not noted,' so that we cannot have this debate, in a childish, immature manner. Then, when he is forced to hear the debate, he does not like what is being said about the way he is trying to railroad the parliament on a bill that everyone agrees on.

There is no debate here: we agree with what the government is doing. All we wanted to do was have one meeting on the hybrid bill at the Waite campus—one meeting; one meeting so that local residents would have an opportunity to come along and talk about the change in use of trust land for a road. That is it: one meeting, one night.

He did not even have the courtesy to include the local member of parliament on the select committee. It is not a requirement but it has been a practice of this parliament since hybrid bills began. There has always been the opportunity afforded to local members, where a hybrid bill is the subject in their electorate, to be on it. It is just a common courtesy.

Of course, the minister was so obsessed with having a majority on the committee that he could not have the member for Davenport on it, even though they are close personal friends, and I doubt there is any instance where the member for Davenport would not have done what the member for Schubert wanted. But he could not even bring himself to do that. It is because he is immature.

The Hon. S.K. Knoll: He is the member for Waite, sir.

The Hon. A. KOUTSANTONIS: Is it Waite, is it? My apologies.

The DEPUTY SPEAKER: Yes, and, member for West Torrens, you are straying—

The Hon. A. KOUTSANTONIS: We are debating—

The DEPUTY SPEAKER: Member for West Torrens, I am just going to say something here. You are straying into a breach of standing order 127(3), making personal reflections on any other member. You have done it on a couple of occasions, in my opinion, so I ask you to be careful about that, please.

The Hon. A. KOUTSANTONIS: Thank you, sir.

The DEPUTY SPEAKER: You know that.

The Hon. A. KOUTSANTONIS: Yes, I do. I was doing it deliberately, sir.

Mr Teague: You are being broadcast to the public. Children are watching.

The DEPUTY SPEAKER: I know that, and now I have warned you, member for West Torrens.

The Hon. A. KOUTSANTONIS: Children are watching, are they?

Mr Teague: They are.

The Hon. A. KOUTSANTONIS: My children?

The DEPUTY SPEAKER: But we are not engaging in—

Mr Teague: I don't know. I hope not.

The DEPUTY SPEAKER: Member for Heysen, we are not engaging in—

The Hon. A. KOUTSANTONIS: You hope not, do you? What a class act.

The DEPUTY SPEAKER: I know it is after dinner—

The Hon. A. KOUTSANTONIS: So that is okay, is it? That is okay?

The DEPUTY SPEAKER: No, it is not. He is interjecting. It is out of order, member for Heysen. Back on track, please, member for West Torrens.

The Hon. A. KOUTSANTONIS: Classless, baseless, petty thugs, that is what they are—petty thugs. Fancy saying to a member of parliament that your remarks are being watched by children and they find it offensive. Fancy that as a retort.

The DEPUTY SPEAKER: Member for West Torrens, do not be distracted by interjections. You do not need to be.

The Hon. A. KOUTSANTONIS: I will not be, sir. I will not be by the backbencher who left a—I will not say a lucrative legal career because he was actually my lawyer for a brief moment, a brief moment that I now regret. Anyway, back to this report. I was suing a Liberal Party candidate and he was my lawyer against that Liberal Party candidate.

The DEPUTY SPEAKER: Back to the report.

The Hon. A. KOUTSANTONIS: Back to the report, sir. The minister has a bill that we are prepared to support, and I gave him my word that we would support the bill and that we would pass it before the winter recess. I asked him for the ability to have a committee meeting. The first committee meeting was to decide whether or not we would have a meeting. The minister was elected Chair. He then refused to contemplate an external other meeting.

The bells rang and the member for Port Adelaide and myself left to attend the parliament, but they continued to meet while the bells were ringing, which I think is probably a breach of privilege; however, they continued to do so. They then scheduled another meeting while the bells were ringing, even though the house takes precedence over any committee. They then scheduled another meeting while there was a caucus, so the member for Port Adelaide and I obviously had an obligation to our party room, as all members do in this place, and we were at our party room meeting. Why?

The Minister for Energy has two bills before the parliament and I was briefing our caucus on supporting those bills. I have responsibilities as a shadow minister as well; there are other important

pieces of legislation that need agreement from our party room so that we can endorse here in the parliament.

This minister came up with a cunning plan: 'I know how to circumvent the democratic process. What I'll do is I'll hold the committee meeting while the caucus is on,' so we cannot turn up. Now he wants us to note or agree on a report that I have not seen. I have not seen it. He did not even have the decency to ring me and say, 'By the way, I note you couldn't be there today because your caucus was on, but this is what the committee resolved,' like any other Chairperson on any other committee would have done.

Most members here know how collegial most committees usually are. The Chairperson, regardless of political persuasion, generally gets on pretty well with everyone on the committee and it works in a way that is collegial. Not this minister. He did not even have the common courtesy to let the opposition know, to forward me a copy of the report before he tabled it. What does that say about the Manager of Government Business?

This is what it says about him: he knows I have already agreed to support this bill, he knows we will give it speedy passage so, 'Bugger the process, bugger the procedures, bugger the niceties, bugger democracy, I'll do whatever I like.' That is probably why he announced he was cutting 1,000 bus stops and refused to tell everyone about it, just told them to go and look it up themselves. That is probably why his colleagues do not have much time for him anymore and probably why his future is about to be under a big cloud—and he knows exactly why that is.

I do not know what this report says because we have not been given the common decency or courtesy of seeing it. The minister even refused to move that it be noted, so we do not even know what his view is on the report, that is how much contempt he has for this parliament. Perhaps the minister might want to explain to me, in his remarks back, what the report says about the change of use, whom he consulted with about the change of use, because—

Ms Stinson: It wasn't a Labor member, was it?

The Hon. A. KOUTSANTONIS: It was not Labor members and it was not the community of Waite; it was not them. For the member for Waite's benefit, this is what the minister said about the annexation of the Peter Waite Trust land for the purposes of a road: 'There will be plenty of opportunities later for them [the people of Waite] to be consulted on the road.' Our point was: at what point do they get consulted about the annexation of land from the trust? They do not because the minister has decided it shall be so.

To be fair to him we agree, because the roadworks are important. All we wanted to do was give people the common courtesy of one hearing, and he refused. For the life of me I do not know why. My guess is that he did not want this to be a proxy for other issues in the electorate of Waite, whether it be the controversial aspect of the upgrades or the historic building on the intersection that is scheduled either for demolition or for being moved. It is a historic landmark, and I understand that a lot of local residents are concerned about that.

There is also the school and the school community, who are losing some amenity. I understand from the briefings we have received that they are losing some car parks and some tennis courts. DPTI has given us an assurance that it will make good on what they lose, but I would have thought that the local community would have liked the right to canvass that with the minister themselves, to get that assurance back from the minister himself.

Of course, they will not have that opportunity. The local member of parliament was not even given the opportunity to make a submission, but I suppose when you are close friends it does not really matter; it is just, 'Sam will be okay; it won't matter. Tom and Susan don't count because they're the Labor members. They're not important. The process is not important. We have the numbers and we'll just do whatever we like.'

That is not how this place works. This is not the Young Liberals or Young Labor: this is the Parliament of South Australia, and process matters. Regardless of the outcome, the process matters. In the end, in this house, because the government is the government, they will win. The important part of the process is the scrutiny, because out of the scrutiny occasionally you get the government accepting opposition suggestions, you get the government improving its own legislation, you get

good outcomes from scrutiny. You get bad outcomes when you initially decide what you are going to do and consult later.

The most common recent example of that is our public transport changes that the minister has so royally, comprehensively and publicly wrecked. After two years of planning, he claims, here we are. We are seeing it again here with something as simple as a slip lane being put in to a road over a trust. All the minister had to do was be collegial, and it was beyond him—beyond him.

I have to say what goes around comes around, and the precedent this minister is setting will become the norm—it will become the norm. That is how the parliament will operate from this day forward. The norm is now that if you have the numbers you will do as you please—no more consultation, no more collegial working together, no more working with each other to try to get a good outcome, it is simply majority, winner takes all. That is a system the member for Schubert is imposing on the house today and we have to accept it and cop it.

I would just point out in my last two minutes this: since the pandemic—I want to say this without wrecking what I have been saying—I do actually have a bit of time for the member for Schubert. I do think he can be quite clever sometimes. However, I feel I have been taken advantage of. I feel I have been used. I have been very collegial with him and I have been very accommodating of him, but as of now I will be less so.

I will be less so because over something as small as this, even though I gave him my agreement that it would pass in the timetable he asked for, he still behaved in a petulant, childish way, and for the life of me I do not understand why, other than he has had a bad week and the little small victories make it all better. Well, I will say to the member for Schubert: remember this moment the next time you call me and ask me for something to occur in the parliament in a bipartisan way.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (20:47): He managed to make that last 20 minutes; I thought that was quite a feat. Just to lay out the facts, when this bill was brought before the parliament and was being debated at the second reading in the chamber there was still a discussion about whether or not this bill would be a hybrid bill. In fact, the advice that I had received was that it was not, but there was a subsequent discussion amongst staff and a determination made by the Speaker, and out of an abundance of caution we turned it into a hybrid bill.

Once that decision was made, and given the time frames to deliver this bill through the parliament as outlined—in essence, we wanted to make sure that this was finished and dealt with before the midwinter break so that we could get on with providing the job stimulus that is important as part of this project—certainly the member for West Torrens and I did discuss ensuring that this bill passed both houses before you gave me your word that it would, Mr Speaker.

The decision was taken then on that last sitting Thursday to hold a meeting at 1.45 on the hybrid bill, and we appointed members—five government to opposition—at that point. At that meeting, we did go through and have a discussion. I want to make an important distinction here, first off in relation to the member for West Torrens' claims that select committees cannot sit whilst the bells are ringing. The ruling of the house is that committees cannot sit while the house is sitting. The house is not sitting until the Speaker sits in the chair, and that only happens from 2pm onwards.

When we were having the meeting, and it was quite a necessarily short meeting—in fact, my one experience of being on a hybrid bill was when the Hon. John Rau was the attorney-general. I remember distinctly sitting in the Plaza Room for a meeting that went for a good six or seven minutes, a single meeting where the report was delivered, the decision was taken to accept it and everybody moved on with their day. So certainly the precedence that the member for West Torrens thinks exists, that we have exhaustive hybrid committee bill hearings, I think is misplaced.

What happened was that there was a resolution at that time that we would not hold hearings, given the time frame and given the fact that we wanted the committee to be able to report today in order to ensure that the bill continued to pass through the house. The discussion at that committee was that the opportunity for consultation in relation to the project is one that happens as part of the project. There has in fact been an initial consultation period that has already been undertaken, but once firmer designs are finalised there will be a second period of consultation in relation to that.

Because of the tight time frames and the fact that there were consultation mechanisms already embedded as part of the project itself, having a further period of consultation—and, by the way, what we are being asked to deal with as part of a hybrid bill select committee is merely the parcel of land in question, which is actually land that is vested in the minister under the terms of the trust, and not necessarily the project more broadly. So it is quite a specific thing that we are being asked to deal with. In fact, being a hybrid bill it actually asks us to inquire into private interests in land, as distinct from broad public interest.

To debunk the claims made by the member, what happened was that certainly the opposition members walked out at 1.55—no notice, no discussion. They just got up and said, 'This can't continue,' and walked out. The meeting itself actually finished a minute or two later. In fact, we could have dealt with the business and very easily got to the chamber within time, but that is not what happened. It almost seemed pre-arranged that at the allotted time they would walk out.

I am going to read a series of emails that were sent by the parliamentary officer, Philip Frensham, someone who is quite experienced in these matters. The email of 24 June states:

Dear Members

Please find attached the draft report for the select committee on Waite Trust (Vesting of Land) Bill. Any feedback before the next committee meeting please—10.30 Tuesday 30 June in Kingston Room.

That was sent on 24 June, which was seven days ago, and it provided a copy of the draft report. I then provided some feedback to say, 'In discussion with the member for West Torrens about an amendment that he would like to see made,' which I will table once we get through to the committee stage of this bill, 'in relation to changing "may" return leftover land back to the trust'. We changed that to 'must', which is something I agreed to in conjunction with the member for West Torrens. I have the amendment here, ready to move as part of the committee stage.

I wanted that information provided as part of the select committee, to give further assurance to the member for West Torrens that we were cognisant of his proposed change and wanted that included as part of the draft report. On 25 June, the day after 24 June, when it was first highlighted to the member that there would be a meeting today at 10.30, the email states:

Dear Members

Please find attached the next iteration of the draft report SC on Waite Trust (Vesting of Land) Bill. This incorporates (at page 5) land not used for roadworks being revested. Any queries please call. Also agenda attached for Tuesday's meeting.

That information was provided on 25 June. The committee sat this morning at 10.30 and, on opening the committee, the parliamentary officer advised me that the two Labor members of the committee were not going to be attending and that he had been advised, moments before the start of the committee meeting, that they would not be attending.

This is information that was provided on the 24th; it was provided on the 25th; and if I look through my emails I think it was actually provided on the 23rd to both members. But they did not take the opportunity on the 23rd, the 24th or the 25th to say, 'Hey, look, we can't make that meeting.' Apologies were received moments before the committee meeting started, and that is for me the bit that makes the tirade from the member for West Torrens nothing more than after-dinner theatre from somebody who has enjoyed dinner.

If there had been a problem, we could and should and would have worked through that issue, but the member for West Torrens did not provide me, as the Chairman of the committee, the opportunity to be able to fix what he says was an egregious fault that needed to be fixed somehow and that it was my fault completely. He provided that apology minutes before the start of the meeting, and that is what makes his tirade disingenuous. The draft report, as was provided on 25 June, is the report that the committee chose to adopt.

The Hon. A. Koutsantonis: How do we know that? Did you call me and tell me?

The DEPUTY SPEAKER: Member for West Torrens, you have had your opportunity.

The Hon. A. Koutsantonis: Yes, through a barrage of interjections, sir.

The DEPUTY SPEAKER: Some of which you responded to, but they are out of order regardless.

The Hon. S.K. KNOLL: That is the report that was adopted, so again, if there was an issue with the time of the committee meeting, providing that information more than a couple of minutes before the start of the meeting to the parliamentary officer I think would have been more appropriate. If there was an issue, the member for West Torrens—

The Hon. A. Koutsantonis: You knew about caucus, you knew.

The Hon. S.K. KNOLL: I am sorry, member for West Torrens, I do not know when Labor caucus is.

Members interjecting:

The DEPUTY SPEAKER: The member for West Torrens will cease interjecting. He is called to order. Next time he will be warned. Minister, you will be heard in silence.

The Hon. S.K. KNOLL: We have endeavoured on all fronts to follow due process here. What I think has happened is that this was a pre-arranged issue where giving me the ability or the committee the ability to reorganise the time would have meant that he was not able to come in here and make the statements and the tirade, which I think was the whole purpose of the exercise of not giving any notice about the time frame of the committee being at a time that supposedly was not convenient for members opposite.

But the point here is that what we are dealing with is a very specific issue in relation to what has been deemed a hybrid bill. All of those particulars are contained within the report that is being noted, a report that the member had a copy of on 25 June, and we can now proceed to the next stage of seeing this through the house. Again, we need to make sure that we do things properly in this chamber, and following and observing procedure is important but we cannot lose sight of the objective that we are trying to achieve.

Those objectives are numerous. Firstly, this is a very important intersection, being our outer ring route as well as a key bottleneck on the Mitcham Hills corridor, a corridor that this government is now investing in together with the federal government some $100 million in fixing the Mitcham Hills corridor. Secondly, we have a project which is there to provide stimulus in this COVID environment, which is extremely important and makes this timely, which was one of the fundamental reasons why it was important to ensure the speedy passage of this bill through the select committee and through both houses of parliament.

Thirdly, this is an intersection that has been the scene of horrific accidents. Again, that should provide the impetus for all members of this chamber to see the speedy passage of this bill through the house. This is not new. There have been hybrid bill committees into the Waite Trust before for exactly the same purpose as what we are outlining here today. We endeavoured to provide information, as was asked for, and respond to the issues as they were raised, but it is nigh on impossible to reorganise a committee meeting when you get told that there are two apologies at the start of the committee meeting once the meeting has been opened. That does not provide the committee with any opportunity to change its arrangements.

As to the rest of the member for West Torrens' tirade, it is a matter for him. I am not 100 per cent sure whether it is because he used to be one of the youngest members of parliament and is now the Father of the House or whether it is because I cannot grow a beard or for whatever reason my youthful appearance happens to upset him. It is not my fault. It is the genetics that I was born with. I blame my parents. But as to my childish look, there is not much I can do about it.

The bill that we are seeking to deal with today is important. We need to make sure that it passes so that the good people of Mitcham Hills get a road upgrade that is going to unlock one of the key bottlenecks across their corridor to make sure that our road network can work as efficiently as possible.

The Hon. A. KOUTSANTONIS (West Torrens) (20:59): Again, the other beauty of knowing the parliamentary system is that if the minister had moved that the report be noted he would not have to go through this all over again—and he will. There is only one flaw in the—

The Hon. S.K. KNOLL: Point of order: for the house's awareness, the member for West Torrens received the report at 3.16pm on 24 June.

The DEPUTY SPEAKER: Minister, what is the point of order? You are just making clarification, are you?

The Hon. S.K. KNOLL: Yes, sir.

The DEPUTY SPEAKER: Thank you. The member for West Torrens.

The Hon. A. KOUTSANTONIS: All the draft reports that were sent to the opposition still do not change the fact that we do not know what the committee actually approved. I am going on the word of a minister of the parliament, that he has just told us that the draft reports are exactly the same and they are unamended. Whatever the draft report is, it is just a draft report. It is not the report until the committee votes on it. My point is that the minister held a meeting during the Labor Party caucus.

I assert to you, sir, and to the house that the minister knows when the party room meetings of the Labor Party are on because he has called me numerous times when those party room meetings are on and apologised to me while they were on, saying, 'Sorry for interrupting you.' Either way, as I said, the argument falls over because the minister says the reason he had to ram this through was for the speedy passage of the bill. As the minister himself concedes, the opposition had already given its assurance that the bill would pass this week and in the following week would pass the other place unamended, other than the amendment that the minister is contemplating. That was our word, sir.

Given that he had an assurance from the opposition and therefore a majority of the parliament that the bill would pass, speed was not an issue; time was not a factor. What he was really worried about was the public meeting. He did not want scrutiny. He did not want anyone coming to the meeting. Ministers who are afraid of the public are not very good ministers. Ministers who are afraid of their voters and their constituents are not very good at their job. Politicians should not fear the people whom they serve or who elect them; they should be out there amongst them. This minister did not want to have a public meeting on this issue. Why? He had bipartisan support. The legislation is going to pass. What was it that the minister feared?

I will give you my three views on why the minister did not want a public meeting. First, anyone can turn up to a public meeting and ask this minister any question they want on a series of issues. Probably because it was in and amongst a very controversial number of public transport changes that he announced that were very unpopular, he did not want an angry crowd talking about bus cuts on Cross Road, for example.

Secondly, despite DPTI's assurances to the opposition that they would make good on all the amenities lost to the school, that was all the school was getting out of this upgrade. Perhaps the school community may have said, 'As you are augmenting the land that we are on you can do some other improvements.' Maybe the minister did not want to have to confront the school community in a non-Labor seat. He would have to explain to them that they would not be getting anything else. The truth is they made good provisions but they are not in writing. People cannot see, touch or feel them, nor are they enforceable. They are simply the assurance of DPTI to the Department for Education—that is it.

The school community are observers here. The principal and the student body have nothing in writing to say, 'Everything you lose you are going to get back.' It is just a deal between DPTI and Education to make good. Perhaps he did not want that canvassed at the public meeting. Thirdly, maybe it was something else in relation to the Independent member for Waite.

I do not know which one of those three it is, or maybe he just could not be stuffed and did not want to have the meeting—just could not be bothered. Maybe that is what it is, or maybe the minister is far too important to go mix amongst ordinary people and hear their views about changing the Peter Waite Trust to build a road because, God knows, when you meet with ordinary people—

The Hon. S.K. KNOLL: Point of order: the member for West Torrens is imputing improper motive.

The DEPUTY SPEAKER: I did not actually catch what the member for West Torrens said, I must admit.

Members interjecting:

The DEPUTY SPEAKER: Order! I have warned the member for West Torrens in his previous contribution that he should not, under standing order 127, make a personal reflection on any other member and I remind him of that; he knows that very well.

The Hon. A. KOUTSANTONIS: I do, sir.

The DEPUTY SPEAKER: You do.

The Hon. A. KOUTSANTONIS: I do, and I admit: I did it deliberately—

An honourable member: Again?

The Hon. A. KOUTSANTONIS: Again. I am a serial personal reflector. I personally reflect on members, but I will not do it now, sir.

The DEPUTY SPEAKER: Member for West Torrens, the minister has pointed out that you have made that reflection. He has asked for nothing more at this stage, but I am going ask you to cease that for the remainder of your time.

The Hon. A. KOUTSANTONIS: For the remainder of my 16 minutes, I will, sir. The point I was making, to which the minister took umbrage, was that I proposed three reasons why the minister may not have wanted to have a public meeting on this issue. The minister took umbrage to those because he thinks I have made either a personal reflection or I have imputed improper motive to him for not wanting to have the public scrutiny on this hybrid bill.

The first reason was that perhaps he did not want to have people raise public transport issues at a public meeting, because at a public meeting the public do not really care what the agenda—

The Hon. S.K. KNOLL: Point of order.

The Hon. A. KOUTSANTONIS: I think I have been proven right, sir.

The DEPUTY SPEAKER: Minister.

The Hon. S.K. KNOLL: I would ask that the member withdraw any comments relating to imputing improper motive under standing order 127.

The DEPUTY SPEAKER: Minister, I was listening carefully at that point and my opinion is I do not believe the member for West Torrens had transgressed in that most recent moment, but he is on thin ice.

The Hon. A. KOUTSANTONIS: I like to live on the edge, sir.

The DEPUTY SPEAKER: I can see that.

The Hon. A. KOUTSANTONIS: I like to live on the edge.

The DEPUTY SPEAKER: We are listening carefully, member for West Torrens.

The Hon. A. KOUTSANTONIS: The second reason was to do with the school body: the student body, the teachers and the parents who are impacted with the loss of amenity and facilities. The minister and the department have said, 'Look, it's a few car parks, it may be a tennis court, it may be some gardens.' I propose that the augmentation or the make-good provisions by the department are simply a verbal arrangement between the Department for Education and DPTI. DPTI have the funding from the government to build the road, Education are impacted, DPTI decide how to make good. They are the ones that decide what tennis courts you get, what gardens you get remediated, what car parks should get moved around.

It is not so much the school in collaboration, but DPTI tell you how lucky you are about what it is you are about to receive. The reason I know this is I used to be the minister for transport and infrastructure and I used to be the treasurer, so I know how these relationships work. Sometimes ministers do not like the idea of a student body or a school community having the opportunity at a

public meeting, in front of politicians who do not like to have difficult questions thrown at them at public meetings, to ask about whether or not the make good provisions will be honoured.

Just imagine a hypothetical situation where an Independent member of parliament may be seeking re-election in a relatively marginal seat because they are no longer in the main political party. They might want to make a few points about what the school deserves and put the government of the day under a bit of pressure. Why have a public meeting? You would not want to have that. These are the reasons that the minister took offence to, in my thinking, about why he did not want a meeting—because he cannot use speediness of passage as an excuse because he had an agreement from the opposition that it would pass, which is where the argument falls down.

Dr Close: A very generous agreement.

The Hon. A. KOUTSANTONIS: A very generous agreement. However, I do thank the minister on one part. I thank him for agreeing to Labor's suggestion of an amendment about the land that is not used to be returned, because the advice we have from DPTI is that the title that they are excising from the trust is actually much larger than the land that they are using for the roadworks, which means almost all the school is being excised from the trust because the parcel of land is very large.

The legislation says the minister may return that to the trust. What the minister's amendment says—and, in fact, I have a filed amendment as well—is that it must be returned to the trust once DPTI has finished constructing the road. This is a sensible, commonsense amendment that I thank the minister for agreeing to, which is a lot more generous than he has been to us.

I point out to the house one last time that the minister says committees can meet during the ringing of the bells. Nothing can inhibit a parliamentarian on the ringing of the bells from attending the house. We must be able to attend the house unmolested when the bells are ringing, whether it is a division or whether the parliament is being assembled.

Every member should know that. No-one can stop us. But the minister says, no, the house does not take precedence; the executive telling us to stay in a committee meeting when the house is calling us does. Some would call that a breach of privilege. Some would call that a contempt of the parliament.

That is my view on what happens when the bells are ringing: all matters cease and the parliament takes precedence because we are being called here. It is no different from someone trying to detain a member of parliament when the bells are ringing. They cannot do it, because we are being summonsed to the house and we are attending the house. The minister says, 'No, committee meetings are fine. You're in the parliament anyway. This is more important. Don't worry about the bells ringing, you can turn up late if you want.' No, sir. The house is very clear on this: parliamentarians should be unmolested.

The second point is pretending not to know that we had a party room meeting when they scheduled their meeting and then trying to tell the house that I knew what was in the report that he tabled. A draft report is a draft report until changes are made at the committee meeting. I was not at the committee meeting. How am I to know what they have tabled? How am I meant to know this? We were not there because we were at a party room meeting—a scheduled meeting. It is held at the same time every Tuesday; it does not change.

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

The Hon. A. KOUTSANTONIS: While the Minister for Energy laughs and interjects and cackles, the reason I was detained in the party room of the Labor Party caucus is that I was seeking support for two pieces of legislation he wants passed in the parliament to give the government the ability to pass its legislation.

None of this needed to happen. The most offensive part about this minister's behaviour is not even having the decency to call the Deputy Leader of the Opposition or me and tell us as a courtesy what was in the final report that was accepted at the committee and whether any changes were made. That is just a common courtesy. If the government does not want to abide by that, then, fine—

Ms Stinson: It comes with experience.

The Hon. A. KOUTSANTONIS: No, it is no longer that it comes with experience; it is now the norm. If this government wants to see the tyranny of the majority, just wait. Just wait and then we will find out all sorts of things with our majority—things like travel allowance, country members' allowance, and all sorts of things will come out. Who knows what we will find when we start digging?

With those few remarks, I commend whatever the report says, given that the minister did not have the common decency to call me and tell me. I just point out to the house again that whatever cooperation we had with the minister, as the Manager of Government Business and Manager of Opposition Business, is now at an end.

Motion carried.

Bills

WAITE TRUST (VESTING OF LAND) BILL

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The CHAIR: I think we are dealing with the minister's amendment first.

The Hon. A. Koutsantonis interjecting:

The CHAIR: Order! Generally the practice is to deal with the minister's amendment first, so I give the minister the call.

The Hon. S.K. KNOLL: I am proud to move the amendment standing in my name:

Amendment No 1 [TransInfrLocalGov–1]—

Page 3, line 25 [clause 4(3)]—Delete 'may' and substitute 'must'

The Hon. S.K. KNOLL: This one does say 59(1) and that one says 59(2), so normally one comes before two. In discussion with the member for West Torrens, he raised a concern in relation to a phrase in clause 4 that says we 'may' return land that is not needed for the road back to the minister, and he wanted that changed to 'must'. We are more than happy to move the amendment to say that we must return the land. It is self-evident. There is not much else we are going to be able to do with whatever land gets returned, and returning it back to its original purpose, I think, is a very worthy amendment and one that I was more than happy to move as a government amendment, showing good faith with the member for West Torrens in that regard.

The Hon. A. KOUTSANTONIS: It is a proud moment for any parent to see their child grow up and to see that the minister is finally acting like an adult and accepting a good amendment, although he could not help himself with one brief childish splurt there to make sure, 'My amendment goes first!' I have to say it is the appropriate amendment, and I do give the minister credit for accepting it almost immediately and seeing sense in it.

I am not quite sure why the department or parliamentary counsel wanted 'may'. My guess is that the department may have thought that they needed as much leeway as possible from the school while the works were ongoing. My question to the minister on the amendment is: at what stage does he expect the land to be vested back after the works are completed?

The Hon. S.K. KNOLL: Without wanting to say 'after the works are completed', what tends to happen in this process is the work is undertaken. For the period of construction, we will obviously want to maintain a buffer area to make sure that we reduce risks for people who are using the Urrbrae site whilst construction is being undertaken. What does happen is that, once the road project is finished, normally the soft landscaping is one of the last things to be completed. We would obviously confer with the existing users of the land—the Minister for Education, who the land will be vested back in, but also the Urrbrae high school—about what they would like to see us do with the balance of that side. We will certainly return it as soon as we can after the works are completed but also, I

would suggest, give it back in a format that is decided upon in conjunction with the existing land users.

The Hon. A. KOUTSANTONIS: There was no answer there whatsoever. Given that the minister has not delivered a project on time or on budget yet, I wonder if he is contemplating, even while landscaping is occurring when the roadworks are finished, whether the land may still not be vested back. At what point does the minister view DPTI's role of the requirement to excise land from the trust to build the road end and the land is returned back to the trust? Is it once they are completely finished, or is it once the roadworks are completed? Is it once the landscaping is finished, or is it once the tennis courts are reinstalled, or the carparks done or the line markings are down? Do we have a general ballpark idea of when the minister thinks it will be done?

The Hon. S.K. KNOLL: As soon as is practicable, but, as I pointed out in my previous debate, the design on this project has not been completed, which is why we need to undertake this bill in the first place. We have some draft designs, but they are still being worked through and worked up. Precisely how much land is going to be vested back is still an open question, but it will be as soon as is practicable. I would have thought that it is much better for us to return the land in the state in which we agreed to return it, rather than doing that beforehand.

The Hon. A. KOUTSANTONIS: You might recall—in the epic debate on noting the report—the minister talking about speed, the necessity for stimulus during COVID. The minister just told the house that the design is not even done yet.

The Hon. S.C. Mullighan: Shame!

The Hon. A. KOUTSANTONIS: Yes, shame, indeed. The design is not even done yet. The design is not done. I have to say that my confidence in the minister diminishes by the hour and, let's face it, it did not start at a high point. The opposition agreed to a speedy passage of the bill. We want stimulus as well. We think that this is an important road to upgrade. The minister agreed to our amendment and then tells the parliament that the design is not even finished yet. The parliament loses more and more respect for this minister every hour he speaks and every time he gets up in this parliament. My question is: will the design be completed by the end of this year?

The Hon. S.K. KNOLL: This is quite an interesting question coming from a previous minister for infrastructure. There are a number of processes that are undertaken simultaneously to speed up the time frame to get to construction, so we are undertaking land acquisition processes in parallel with design processes in parallel with investigation on early works in parallel with decisions about other parts of the project—for instance, the relocation of the gatehouse on the other corner. We do all these things simultaneously to speed up the process.

I understand that under previous governments they did the design and then they did the land acquisition and then they undertook the early works and then they did the construction, and that actually elongates the process. Undertaking these things simultaneously is a way that we can compress the time frame to ensure construction starts more quickly. That has proven successful and continues to prove successful as a way to be able to get the works underway as quickly as possible.

As the former minister may be aware, you move from a 5 per cent design to a 30 per cent design to a 70 per cent design to plans issued for construction. There are a number of acronyms in there that escape me. That work will continue. The more important question is: at what point can construction get underway? By undertaking the processes in this way, we are truncating that time frame.

Amendment carried.

The Hon. A. KOUTSANTONIS: How much of the Peter Waite Trust remains vested in the Minister for Education?

The Hon. S.K. KNOLL: Essentially, the subject of what we are doing here today is all the land under Title 5540/952. There is a second title, Title 5408/215, that will remain vested in the Minister for Education.

The Hon. A. KOUTSANTONIS: What is the size of that title the minister quoted, the square metreage?

The Hon. S.K. KNOLL: The information I have is the land area we require is about 7,200 square metres. As to the total land under this title, that is information I will endeavour to get the member between the houses.

The Hon. A. KOUTSANTONIS: The minister quoted the title, so we know the title. On that title would be the land size. Can the minister please provide to the house the size of the title he quoted.

The Hon. S.K. KNOLL: I am saying that is not information I have to hand, but I will provide it in between the houses to the member.

The CHAIR: Member for West Torrens, that was clarification. This is your third and last question.

The Hon. A. KOUTSANTONIS: Thank you, sir. This will be my last question. Again, this concerns me about the due diligence this minister does. If you have the title number, you know you need 7,700 square metres, what is the size of the title you are excising from the trust, and the minister does not know. It is not difficult. If the title is there in front of him and he has the folio number, tell us how big it is. If he does not know, why does he not know?

These are not difficult questions. I am not trying to trap him. The reason I want to know the answer to this question is that the advice the opposition received in the briefing was that the way the title is structured it was a very large title and the department only needs a small portion of that very large title. The government has given us an estimate of nearly 7,700 square metres. I want to know, once this is completed, how much they are vesting back. The way I will know that is by knowing the size of the original land being excised.

If you want the parliament to agree to excise land from the trust, can you pretty please with a cherry on top tell us how much you are excising? It is not hard.

The CHAIR: The minister has agreed to take that on notice and get the information back.

The Hon. A. KOUTSANTONIS: I am sure.

The CHAIR: Well, he has, member for West Torrens. Minister, do you wish to add to that? You are taking that on notice. Nothing further to add?

The Hon. S.K. KNOLL: No.

Clause as amended passed.

Remaining clauses (5 and 6), preamble 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) (21:29): I move:

That this bill be now read a third time.

The Hon. A. KOUTSANTONIS (West Torrens) (21:30): I rise in support of the third reading contribution, and I am again stunned at the level of shoddy workmanship being done by the minister. As a quick little history lesson for members who have not been on this journey like the member for Port Adelaide and I have, the government has a hybrid bill because they want to excise land from the Peter Waite Trust to extend some roadworks that impact on land assigned to the trust.

They did not agree that it had to be a hybrid bill. The Speaker had to come in over the top of the government. The government has still not provided advice to the house about why they think it is not a hybrid bill, which I think is interesting in itself, and they then sought approval from the opposition. The opposition immediately gave support for the bill and agreed that the government would have passage of this legislation before the winter recess, so the minister had that in his pocket.

The opposition wanted to have a select committee meeting at the Waite Campus so we could talk about the excising of this land. The minister refused. He held two meetings, sat when the bells

were ringing, sat when the Labor Party caucus was on, did not have the courtesy to call Labor members to tell them what the committee had agreed to before tabling the report. When he tabled the report, he did not want to debate it and even refused to move it. Then he voted against noting the report. It is a cavalcade of maladministration by the minister in the way he conducts himself and his portfolio—misconduct, maladministration, and who knows what else he is guilty of.

We get to the committee stage, we move the amendment and, for some reason, after the amendment that I tabled before the minister, the minister had a childish fit and insisted that his amendment, even though it is identical, be considered first. The Chairman rightly gave precedence to the minister—and I am not reflecting on his ruling whatsoever; he is entitled to do as he pleases—and the amendment passes unanimously.

I then ask the obvious question: 'How much land are you excising from the Peter Waite Trust?' What does the minister say? 'I don't know.' I ask, 'What is the title number that you are excising?' He gives us the title number. 'How big is that title?' He says, 'I don't know.' The incompetence! If you are excising land from a trust, surely the first thing you know is how much land you are taking out. As I said, I do not have any nefarious reasons for wanting to know how much it is. The reason I want to know is so I know exactly how much is put back at the end. Pretty commonsense stuff.

The minister says, 'I'll tell you between the houses.' Fat chance! He did not even have the courtesy to call the opposition and tell us what the committee had agreed to in its 'tabled report', and I say that in inverted comments because the report needed to be noted and the minister did not even want the parliament to note the report. So I take everything this minister says with a grain of salt.

That said, we do agree with the works. We will support the legislation. We will pass it in the upper house, even though the minister claims that time is of the essence, even though he just told the parliament that the design is not finished, he does not know how much is being excised, he cannot tell us when it will be done, he cannot tell us when it will be finished, and he cannot tell us when the land will be vested back in as the amendment demands. Everyone should be full of confidence that this is going to go swimmingly. Again, the maladministration and misconduct of this minister is in very large proportions. That said, I support the—

The DEPUTY SPEAKER: Member for West Torrens, be very careful please.

The Hon. A. KOUTSANTONIS: I am very careful with my words, sir. I make them an informed reading, Mr Deputy Speaker. With those few remarks, I commend the bill to the house.

Bill read a third time and passed.

FAIR TRADING (FUEL PRICING INFORMATION) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 18 June 2020.)

Clause 2.

The CHAIR: My recollection is that we are still on clause 2. We have had three questions from the member for Florey and we have had three questions from the member for West Torrens.

The Hon. A. Koutsantonis: Me?

The CHAIR: Yes.

The Hon. A. Koutsantonis: In committee?

The CHAIR: In committee, yes. A week is a long time, member for West Torrens. How time flies. I think I am correct in that; yes, that is what the Clerk has. There is a question. Member for Frome.

The Hon. G.G. BROCK: Can the Attorney-General comment on the press release released today by the RAA calling for the passage of a fuel monitoring scheme as a priority, noting that the

Hon. Frank Pangallo MLC in the other place has introduced a bill reflecting my own private member's bill, which is likely to come on for a vote tomorrow?

The Hon. V.A. CHAPMAN: I think the member is asking me to comment in relation to the RAA's media release, not my own commentary. As to the reference, the quote is:

'RAA looks forward to Parliament passing the model recommended by the Productivity Commission to ensure motorists in SA can reap the benefits,'…

Is that the reference?

Ms BEDFORD: Point of order: I do not understand that the Productivity Commission recommended anything. They gave you options.

The CHAIR: The Attorney is creating some context, I think, for the answer.

The Hon. V.A. CHAPMAN: I have the media release from the RAA. I think the member is asking me about the section which reads—it is a quote, apparently, of Mr Borlace, who has a position of seniority with the RAA—

Ms Bedford: He's the spokesperson.

The Hon. V.A. CHAPMAN: Whatever his role is, I do not want to diminish that. There is a quote here, and it says:

'RAA looks forward to Parliament passing the model recommended by the Productivity Commission to ensure motorists in SA to ensure motorists in SA can reap the benefits,'…

Is that the section that the member is asking me about? Could you just repeat the question?

The Hon. G.G. BROCK: Can the Attorney-General comment on the press release issued today by the RAA calling for passage of a fuel monitoring scheme as a priority, noting that the Hon. Frank Pangallo in the other place introduced a bill reflecting his own member's bill, which is likely to come to a vote tomorrow in the other house?

The Hon. V.A. CHAPMAN: No, I cannot. I think the member will have to ask the RAA. I have read that as an indication of support by the RAA for the government to pass the model recommended by the Productivity Commission as per the bill.

Ms Bedford interjecting:

The Hon. V.A. CHAPMAN: I hear the member for Florey.

Ms Bedford interjecting:

The CHAIR: What is the point of order, member for Florey?

Ms BEDFORD: He did not recommend anything, sir. They provided options to the government. If the Attorney keeps asserting they are a recommendation, it is misleading the house.

The Hon. V.A. CHAPMAN: I have just simply read something the RAA are saying, sir.

The CHAIR: Yes.

The Hon. V.A. CHAPMAN: I do not want to upset the member for Florey.

The CHAIR: The Attorney was asked by the member for Frome about the RAA press release.

The Hon. V.A. CHAPMAN: Yes. I think to be clear, I cannot answer that. I can tell you how I have interpreted what the RAA has said, but if the member wants to have any further clarity, I think he will need to speak to the RAA, to Mr Borlace. I think what is causing some concern is the assertion that the Productivity Commission have recommended a particular model. I am not claiming that is what the Productivity Commission did. The Productivity Commission have identified what is available, and the bill that is before the parliament is consistent with that.

What commentary is made by the RAA I cannot account for, but the Productivity Commission did make findings that option 1 met with the policy objective of such schemes to be accurate. I cannot make any further comment other than that. To perhaps get into an argument about whether or not it

is a recommendation or whether it is consistent may upset the member for Florey. I think it is a matter that the member for Frome would need to take up with the RAA if he is in some way offended by that.

The Hon. S.C. MULLIGHAN: My question again relates to the RAA's release, which came out today. To refresh members' memories, the RAA called today for the urgent introduction of real-time fuel pricing to help drivers avoid being hit by price spikes, which can add an extra $20 to the cost of filling the tank of a typical family sedan. If you consider that this might happen on a weekly basis, that would equate to about $1,000 a year or, given the delay in the government bringing forward a scheme to the parliament, about $2,000 since the last election.

With that in mind, as a former premier used to say, with the 'goad to action' from the RAA for fuel pricing, will the Attorney accept whichever model seems to attract the greatest support from the parliament, notwithstanding it may not be what the Productivity Commission lavished with one additional tick over the other model concluded in its recommendations?

The Hon. V.A. CHAPMAN: It is the government's intention to progress the bill with the model in relation to real-time fuel pricing for all the reasons we have canvassed in this debate. I appreciate that there is a view of the opposition that supports the proposal of the member for Florey, if I can respectfully describe it as a 'price freeze Western Australian model', as a better position. That is not the government's position and I think we have made that very clear. Ultimately, it will be a matter for the parliament to make a decision.

The Hon. S.C. MULLIGHAN: When we were last engaged in debate on this bill, the Attorney suggested that experience in Queensland may suggest that that model, which ostensibly is the model that she proffers in her bill, might actually lead to price spikes rather than decreases. With that in mind, can the Attorney-General indicate whether she would be willing to contemplate supporting the amended scheme as proposed by the member for Florey?

The Hon. V.A. CHAPMAN: For the reasons we have outlined in answer to the question, no. The potential price spike on the Queensland model, which was under consideration at the time, has potential. I think the Productivity Commission has made it very clear that it may well be that the implementation of such a model that is presented does not have the effect of lowering prices. What it does achieve, though—and I think this is the commendable aspect of it—is that it gives the consumer the tools by which they can make a choice about the purchase of this very important, essential ingredient in the family budget. That is the purpose of it, and we think it meets that test.

The Hon. S.C. MULLIGHAN: To summarise the deputy's latest contribution on this matter, the purpose of her bill then is not so much to lower the price of fuel through increased competition but to provide consumers with a greater choice in paying a higher price for fuel; is that correct?

The Hon. V.A. CHAPMAN: No, that is not correct, and I think that is a misrepresentation of the position. What is indicated and confirmed, I suggest, by the Productivity Commission, is that there is still a question about whether the pricing model that is being presented will have the effect of lowering the price. Really, the verdict is out on that. The Productivity Commissioner raised that as an aspect that may or may not be achieved.

The effect of this model is that it gives the consumer the opportunity to have all the information mandatorily required to be made available in application form for them to then make a decision about when and where they purchase fuel, presumably, if they are price driven, by the lowest price in a region that is proximate—in other words, that they are not going to have to travel further than the benefit that can be obtained for the price on the bowser. I hope that makes it clear. It arms them with all the information in real time for them to be able to choose where and when they buy that fuel, to maximise the opportunity for them to buy at the cheapest price, not the highest price.

The CHAIR: Member for West Torrens, you have already had three questions on clause 2.

The Hon. A. KOUTSANTONIS: My apologies, I thought we were on clause 3.

The CHAIR: No, clause 2 still. Member for Frome.

The Hon. G.G. BROCK: From my information all industry participants reject the need for a fuel pricing scheme of any kind. Many argue that the existing market is suitable and it is okay. For

example, on page 6 of the submission Caltex argues that it does not believe that there is a lack of price transparency in the South Australian retail fuel market. In your opinion, does this mean that the fuel retailers do not get it at this stage?

The Hon. V.A. CHAPMAN: I would not necessarily say that. I think they are presenting an argument to suggest that it is not necessary. We say it is. We think the public and the consumer in particular need to be armed with all the information. As the member knows, there are a number of products already out there which do provide a service but it is not with all the information available. If everyone is required to provide that information in real time then the consumer has all the information to be able to make that choice. If they only have some of the operators who already voluntarily provide that information, that helps but it is not the best it can be, and we think it should be.

There is no question that the retailers, some of them at least, are going to say, 'Well, what we've got is good enough.' That may be their view, but we would not be here debating this bill if the government were not of the view that that really needs to be followed through. We recognise that we do not want to put an unreasonable burden on retailers in relation to these matters, but we consider that with the capacity to electronically manage this information, this data, it would not be specifically onerous to such an extent that it should not be advanced that they provide this information and that, when they change their prices, within 30 minutes they make the information available.

Some might provide it within seconds because in issuing the edict of a change, up or down, it seems to me that it is not beyond the wit or the capacity of this technology to forward that electronically to the reservoir for the purposes of the information that will populate the applications people use. We do not think that would be an onerous regime that is unreasonable; quite frankly, a number of them provide it already. On balance, we think it is necessary for the consumer.

The Hon. G.G. BROCK: There has been a range of views put by industry, and some of these are more forthright than others. In particular, I note the submission of the Australasian Convenience and Petroleum Marketers Association, which stated, on page 2:

> It is neither the role of the ACCC Commissioner, nor any Australian politician, to single out the legal pricing behaviours of any single market participant.

Does the Attorney-General I agree with these comments—that no politician should single out the pricing behaviours of market participants?

The Hon. V.A. CHAPMAN: I am not sure I quite understand the question. Could you repeat the quote?

The Hon. G.G. BROCK: The quote is:

> It is neither the role of the ACCC Commissioner, nor any Australian politician, to single out the legal pricing behaviours of any single market participant.

I am asking if the Attorney agrees with the comment that no politician should single out the pricing behaviours of market participants.

The Hon. V.A. CHAPMAN: Again, I am not sure what the context is. This quote is from where?

The Hon. G.G. BROCK: From the Australasian Convenience and Petroleum Marketers Association. It is on page 2, that it is neither the role of the ACCC nor any politician to interfere with the retail prices.

The Hon. V.A. CHAPMAN: I am happy to have a look at the quote in the context that it is there. Introducing a bill such as this demonstrates that we do need to progress a means by which people can have the information available so that they can make a choice because we do have a situation where fuel is an essential and sometimes significant consumer cost. I would not be here proposing a bill on behalf of the government if we did not think it was needed.

Fuel is too much of a critical expense to simply leave it to competitive interests. That is something we have accepted. As a government, we have tried to look at how that can best be managed and how that can be done most effectively. Although the member for Florey has her view

about the Western Australian model, I point out that that model has operated for something like 20 years now and no other jurisdiction has picked it up.

I suggest it is probably because of the fuel cycle Western Australia have, which is peculiar, but also because they attempted to deal with a very different issue. In Western Australia, they may also be interested in price as such, but it seems to me that they developed a model within the envelope of people being furious that they would find a different price on the way home from work from when they went to work.

They introduced this 24-hour freeze model, and the disadvantage of that has been that the retailers cannot even drop their price in that time. It may provide certainty, a bit like the ACT model, but it does not give the flexibility for a consumer to be able to say, 'I want to follow this market and I want to be able to have 30-minute information about this, up or down, so that I can make a choice.'

We think that is the better option, to inform the consumer and make the retailers provide that information, as distinct from a price freeze model. That is the government's view, and we think that that is meritorious to implement. I think, as I said to the member for Florey when she was raising her freeze model, that it is not to be disrespectful to that, it is to simply say that this is the one we think is the most beneficial. We are doing this for a two-year period and if it turns out that it has demonstrably failed, for whatever reason, then obviously we will have to have a look at it.

If the technology that supports this type of either information or registration of information under a freeze model is found to be inefficient then we will have to look at something else, it seems to me. But the general principle of whether parliaments or governments should in some way regulate, or interfere with, the free-for-all out there in the fuel world, yes, that is exactly why we are here.

Clause passed.

Clause 3.

Ms BEDFORD: I move:

Amendment No 2 [Bedford–1]—

Page 2, line 12 to page 3, line 27 [clause 3, inserted section 45F]—Delete inserted section 45F and substitute:

45F—Interpretation

In this Part, unless the contrary intention appears—

biodiesel means a diesel fuel obtained by esterification of oil derived from plants or animals;

discounted fuel price, in relation to a type of fuel, means the price per litre at which fuel of that type is available to consumers after any discount (whether by a voucher, discount rate, reward scheme or any other means) is applied;

fuel means any of the following:

(a) a petroleum product within the meaning of the *Petroleum Products Regulation Act 1995*;

(b) biodiesel;

(c) compressed gas;

(d) liquefied natural gas;

fuel pump display means the numerical display of the normal fuel price appearing on a metered fuel pump at a service station;

fuel retailer means a person or body who carries on the business of supplying fuel for retail sale;

fuel watch area means—

(a) Metropolitan Adelaide; and

(b) any area declared to be a fuel watch area by the Minister under section 45H,

but does not include any area declared not to be a fuel watch area by the Minister under section 45H;

fuel watch website—see section 45J;

fuel wholesaler means a person or body who carries on the business of supplying fuel for wholesale;

Metropolitan Adelaide means Metropolitan Adelaide as defined by GRO Plan 639/93;

normal fuel price, in relation to a type of fuel, means the price in cents per litre at which fuel of that type is available to consumers without any discount (whether by a voucher, discount rate, reward scheme or any other means) applying;

price board means a board, sign or notice at a service station that displays the price in cents per litre of each type of fuel available for retail sale at that service station;

retail sale means a sale in retail quantity for the purposes of use or consumption;

service station means a building, place or premises where fuel is offered and supplied for retail sale, but does not include a building, place or premises where the primary business is the hiring, leasing or sale of motor vehicles;

wholesale means a sale other than a retail sale.

45G—Objects

The objects of this Part are—

(a) to ensure that consumers are provided with up to date accurate information regarding the price and availability of fuel; and

(b) to promote fair, competitive and transparent fuel pricing practices; and

(c) to mitigate negative impacts on consumers and the economy of the State as a result of fluctuating fuel prices; and

(d) to ensure that fuel prices for retail sale and wholesale are made available to the public for ease of comparison.

45H—Minister may declare fuel watch areas

(1) The Minister may, by notice in the Gazette—

(a) declare an area of the State to be a fuel watch area for the purposes of this Part; or

(b) declare that the whole or a part of Metropolitan Adelaide is not a fuel watch area for the purposes of this Part.

(2) The Minister must, before making a declaration under this section, seek the advice of the Commissioner for Consumer Affairs.

(3) In making a declaration under this section, the Minister must have regard to the objects of this Part.

(4) The Minister may, by subsequent notice in the Gazette, vary or revoke a declaration under this section.

(5) Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to a notice made under this section as if it were a regulation within the meaning of that Act.

45I—Provision of information to Commissioner on price and availability of fuel and restrictions on change of fuel price etc

(1) A fuel retailer must, at the prescribed time, provide the following information to the Commissioner for Consumer Affairs:

(a) the name, address and contact details of the fuel retailer;

(b) the address of the service station at which fuel is available for sale by that fuel retailer;

(c) the price in cents per litre of each type of fuel available for retail sale at that service station.

Maximum penalty:

(a) for a fuel retailer offering fuel for retail sale within a fuel watch area—$10,000;

(b) in any other case—$5,000.

(2) A fuel retailer offering fuel for retail sale within a fuel watch area must not increase or decrease the price at which fuel will be offered for retail sale—

(a) if fuel is offered for sale before 6 am on any day—before midnight on the day following the day on which fuel is offered for retail sale at the price provided to the Commissioner for Consumer Affairs under subsection (1)(c); or

(b) in any other case—for 24 hours from the time at which fuel is offered for retail sale at the price provided to the Commissioner for Consumer Affairs under subsection (1)(c).

Maximum penalty: $10,000.

(3) A fuel wholesaler must, at the prescribed time, provide the following information to the Commissioner for Consumer Affairs:

(a) the name, address and contact details of the fuel wholesaler;

(b) the address at which fuel is available for sale by that fuel wholesaler;

(c) the price in cents per litre of each type of fuel available for wholesale by the fuel wholesaler.

Maximum penalty: $5,000.

(4) A fuel retailer or a fuel wholesaler must, not less than 30 minutes after becoming aware of the fact that fuel will be unavailable for sale by the fuel retailer or fuel wholesaler (as the case may be), provide that information to the Commissioner for Consumer Affairs.

Maximum penalty: $5,000.

(5) It is a defence to a charge of an offence against subsection (1), (2), (3) or (4) for the defendant to prove that—

(a) the defendant did not comply with the requirement due to an emergency; or

(b) it was unreasonable in the circumstances for the defendant to comply with the requirement.

(6) Information required to be provided to the Commissioner for Consumer Affairs under this section must be provided to the Commissioner in a manner and form determined by the Commissioner.

(7) In determining the manner and form for the purposes of subsection (6), the Commissioner for Consumer Affairs must have regard to—

(a) the need to minimise the costs of the fuel watch scheme for fuel retailers and wholesalers; and

(b) any other existing price monitoring or aggregation systems.

(8) The Commissioner for Consumer Affairs must ensure that information provided to the Commissioner under this section is easily accessible to the public on the fuel watch website and in any other manner the Commissioner thinks fit.

(9) In this section—

prescribed time means—

(a) in relation to a fuel retailer offering fuel for retail sale outside a fuel watch area—within 30 minutes of increasing or decreasing the price at which fuel will be offered for retail sale; and

(b) in relation to a fuel retailer offering fuel for retail sale within a fuel watch area—before 2 pm on the day before offering fuel for retail sale at the increased or decreased price (as the case may be); and

(c) in relation to a fuel wholesaler offering fuel for wholesale within or outside a fuel watch area—within 30 minutes of increasing or decreasing the price at which fuel will be offered for wholesale.

(10) For the avoidance of doubt, information need only be provided under this section in relation to days on which a fuel retailer or a fuel wholesaler is open for business.

45J—Fuel watch website

The Commissioner for Consumer Affairs must maintain a website (the *fuel watch website*) for the purposes of informing consumers of the price and availability of fuel in the State containing—

(a) information provided to the Commissioner under section 45I; and

(b) any other information that the Commissioner thinks relevant.

45K—Offences relating to display of fuel price

(1) If a fuel retailer increases the normal fuel price for a type of fuel, the retailer must change the price displayed on any price board to reflect the increase in price before, or at the same time as, changing the price displayed on any fuel pump display for that type of fuel.

Maximum penalty: $5,000.

(2) A fuel retailer must not display a discounted fuel price on any price board or fuel pump display.

Maximum penalty: $5,000.

(3) A fuel retailer or a fuel wholesaler must specify the normal fuel price for a type of fuel separately from the price of any other type of fuel or any other goods or services offered for sale by the fuel retailer or fuel wholesaler (as the case may be).

Maximum penalty: $5,000.

(4) The regulations may provide for the manner and form in which a fuel retailer must display the normal fuel prices for types of fuel, or a type of fuel of a particular class or kind, on any price board or fuel pump display.

45L—Offences relating to sale of fuel

(1) A fuel retailer must not, without reasonable excuse, refuse or fail to sell fuel on demand for the price provided to the Commissioner for Consumer Affairs in accordance with this Part.

Maximum penalty: $10,000.

(2) A fuel wholesaler must not, without reasonable excuse, refuse or fail to sell fuel on demand for the price provided to the Commissioner for Consumer Affairs in accordance with this Part.

Maximum penalty: $10,000.

(3) It is a defence to a charge against subsection (1) or (2) if the defendant proves that—

(a) they sold a reasonable quantity of the fuel demanded; or

(b) they did not have a sufficient quantity of fuel to supply the quantity demanded in addition to the quantity required to satisfy—

(i) all other existing arrangements under which they were obliged to supply quantities of fuel for consumption or use; and

(ii) the ordinary requirements of their business.

(4) A fuel retailer or fuel wholesaler must not make the sale of fuel to a person conditional on the sale of any other goods or services.

Maximum penalty: $10,000.

(5) A fuel wholesaler must, on request from a person, provide to the person in writing, an itemised list of the cost of any of the following components of the normal fuel price:

(a) delivery of the fuel;

(b) use of a brand in relation to the type of fuel;

(c) use of a credit or payment facility.

Maximum penalty: $10,000.

Amendment No. 1 was deleting price information and substituting what scheme, and I do not want to proceed with that. I am moving that at clause 3 we insert a new section 45F. What this seeks to do is give consumers the ability to take advantage of the high-quality accurate information that everyone wants to see in place as soon as possible. Rather than refer to my amendment's intent as being a freeze, we look on it as price stability for 24 hours. That may seem semantic to you, but to me a price freeze on a market would indicate something else.

There is no other commodity we have need for where the price can fluctuate five or six times in a day. I think your bill can do two things. It can bring in this accurate information that we all desire,

but it can also exert some pressure downward rather than upward, because your bill, as you yourself have said, can move the price up. I put this amendment to the house and am quite happy to ask my first question of the Attorney on clause 3 at some point, unless she wants to ask me some, of course.

The Hon. V.A. CHAPMAN: I have no questions for the member. I think we have canvassed the government's position. I hope that I was not disrespectful in calling your model a price freeze. I did not mean any disrespect by that. It is a stabilising process maybe. Our concern, as a government, is that it fixes it at an amount when there is an opportunity that it could go down in that time frame. It is a different approach, and, for the reasons we have explained, we will be opposing amendment No. 2 in the name of the member for Florey.

The Hon. S.C. MULLIGHAN: I speak in favour of the amendment moved by the member for Florey. As we have canvassed previously in the course of the debate on this bill, there is an inherent assumption in the proposition put by the Deputy Premier, and that is that the market will always have a desire to move to a lower price. Current experience demonstrates that that is patently false.

We have a choice between a real-time regime, as pushed by the Deputy Premier, or a best and final offer regime, if I can put it like that, to use the parlance of the real estate industry. You can see why the two regimes will operate differently and have a different impact on prices. To use that analogy of the real estate market and of competing bidders for real estate in a transaction, they are encouraged to put their best and final foot forward—their best, most competitive and aggressive price for a particular property. They are incentivised to do all they possibly can to secure the transaction.

The model that the Attorney is pushing does not do that at all. It enables a fuel retailer to test the market with an initial price during the course of the day, at any point in time of the day, with an eye on their competitors in the local area. It is likely to be the case, given the market penetration by the dominant players in this industry and given what we currently already know, that those dominant players already usually set their prices much higher than the smaller players do. I am thinking of the Libertys in particular, who are usually much more aggressively and cheaply priced than the BPs, for example. It is likely that a BP service station will not necessarily set their price at the lowest they have the capacity to set it at.

They will incentivise another player, a smaller player—perhaps a Liberty, a Mobil or an Ampol, for example, or a Caltex, as the member for Frome mentioned—to have regard for that price and what it is set at. That does not necessarily mean that everyone will rush to the lowest price. It will incentivise those other players to increase their price so that they can maximise their profit margin and be competitive with the higher price that is being set by the other player.

In that context, it is easy to see why the Queensland model does not have the outcomes that the WA model has. Indeed, information that has been taken from ACCC reports comparing the two regimes in Western Australia and Queensland bears this out. Over a 45-day price cycle between Adelaide, Brisbane and Perth, Brisbane had the most expensive prices. I am talking about the 45 days leading up to 11 June 2020. Perth had the cheapest prices, and Adelaide was in the middle. Adelaide had an average price of $1.085, Brisbane $1.116 and Perth $1.052.

If you take that example, we are being asked to choose between a regime currently operating in Brisbane that has high prices of approximately 3¢ above the average price in Adelaide, or a regime operating in Western Australia of 3¢ lower than Adelaide, or a 6¢ per litre difference between Brisbane and Perth, with Perth being the cheaper.

I cannot imagine, given those two examples, why we would proceed in pursuing the Queensland model when we have information that shows the WA model delivers cheaper prices—in particular, when we also have an admission from the Deputy Premier from the last time we debated this that we cannot be sure that prices will not increase if we adopt the Queensland model.

To my mind, what the member for Florey's amendment seeks to do is insert a different and robust regime which provides for a once in a 24-hour period of price setting and, hopefully, an incentive for these retailers to start out with their most aggressive and cheapest price for the benefit of motorists, rather than allowing real-time pricing which enables petrol retailers to adjust their price, not necessarily down but also up. That is something that is not in the interests of motorists. I am surprised that the RAA advocates that model, but I think we have seen from their press release today

that all they want is a model so that there is some improvement to the amount of information that motorists are able to get access to before they make their purchasing decisions.

The committee divided on the amendment:

Ayes................22
Noes 23
Majority 1

AYES

Bedford, F.E. (teller)	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E.
Close, S.E.	Cook, N.F.	Duluk, S.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A.	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.
Picton, C.J.	Stinson, J.M.	Szakacs, J.K.
Wortley, D.		

NOES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Ellis, F.J.	Gardner, J.A.W.
Harvey, R.M. (teller)	Knoll, S.K.	Luethen, P.
Marshall, S.S.	McBride, N.	Murray, S.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G.
Power, C.	Sanderson, R.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

Amendment thus negatived.

The Hon. V.A. CHAPMAN: I move:

Amendment No 1 [DepPrem–1]—

Page 3, after line 16 [clause 3, inserted section 45F(3), penalty provision]—Insert:

Expiation fee: $315.

Amendment No 2 [DepPrem–1]—

Page 3, after line 21 [clause 3, inserted section 45F(4), penalty provision]—Insert:

Expiation fee: $315.

Amendment No 3 [DepPrem–1]—

Page 3, after line 26 [clause 3, inserted section 45F(5), penalty provision]—Insert:

Expiation fee: $315.

These amendments essentially allow for an expiation fee of $315. I know I have canvassed this briefly in the general content of the debate, but essentially it seeks to make the offences expiable. I think I used the circumstance where there might be a very minuscule time frame of delay, or there might be multiple occurrences of an electronic failure to give within the time frame to provide. So, on the advice that we received, it allows the regulator an appropriate array of compliance actions to still effectively enforce the scheme but to be able to accommodate that circumstance.

The regulator will need to assess the seriousness of the offending on a case-by-case basis and be able to exercise their discretion in determining the most appropriate and proportionate action to take in the circumstances. Where it is appropriate in the circumstances to prosecute, obviously

that option continues to remain, and that may be necessary in a serious breach. Essentially, this gives extra tools in the toolbox.

Ms BEDFORD: Is there any special reason why you have chosen $315 when in actual fact if you take a tomato across the border, for instance, and contravene the fruit fly act, it is $375? It is just a 'for instance'.

The Hon. V.A. CHAPMAN: There are obviously commensurate types of expiation fee amounts and on our advice this is commensurate with the nature of the expiable offence for this type of offence. That is the advice we have. Obviously, there are expiable offences for road traffic offences, for example. Sometimes they are much higher. They are all on the advice that we received as to what is a comparative consumer breach, and that is what we are advised.

Ms BEDFORD: What other commensurate impositions are we talking about? What other fines are we talking about that are commensurate with this?

The Hon. V.A. CHAPMAN: I am happy to get that information for the member, but these are breaches of a consumer obligation.

Ms Bedford: Consumer law?

The Hon. V.A. CHAPMAN: Yes. We will get some of that and make it available to the member.

The Hon. S.C. MULLIGHAN: I indicate that the opposition will not be supporting these amendments. I do indicate that we might be of mind to support a more substantial expiation fee, but we have already discussed this evening that the RAA has put out a press release today saying that without the introduction of fuel price monitoring motorists could be worse off by $20 a tank. Really, what we have here is an offer of an expiation fee equivalent to, say, 16 motorists being caught, having to pay a higher fuel price at $20 each per tank.

That is not a slap on the wrist: that is the merest touching of the skin with a feather when it comes to a punishment for a fuel retailer that might be an arm of a multinational business. I mean, really—to suggest this is equivalent to other expiations like speeding for example, you only have to exceed—

The Hon. V.A. Chapman: Sorry, like what?

The Hon. S.C. MULLIGHAN: Like speeding, for example. You would only have to exceed the posted speed limit by 10 km/h or more to be significantly above this. I do not think this is really any threat of any punishment whatsoever to a fuel retailer and if anything it is an incentive for a fuel retailer to roll the dice, to not report what their current price offering is or not be registered under the scheme or the other requirements of the regime. For those reasons, we will not be supporting these amendments.

The Hon. V.A. CHAPMAN: I just indicate in response to that that this is a recommendation of Mr Soulio who is the commissioner who would be responsible for the management of this. He suggests that having an expiable option is sensible, particularly to do with minor and multiple counts of a breach comparable to consumer law and, of course, we have undertaken to get similar amounts because we have not come up with this figure, this is the recommendation that has come to us as to what is comparable in this consumer area.

Just to be clear, I was not suggesting that this is comparable to a road traffic offence. I indicated that just like we have in road traffic offences where we have expiable amounts, they are commensurate in relation to the road traffic matters that they try to keep some consistency. It is not the only area of law in which we have expiable offences, but in this area we are advised that if you have them, this is the rate that is appropriate.

If there is some basis upon which it is a doubled amount, if there is some reason to have a look at that, in that you are suggesting that it is not the comparable rate, then so be it. But I have undertaken to the member for Florey—and will make this available to the opposition, of course, as well—that that information of comparable consumer law-type expiable offences will be provided and we will have that to you as soon as practicable.

The Hon. S.C. MULLIGHAN: Thank you. I do not disagree with the Attorney that it is desirable to have these offences as expiable offences. That would certainly ease the burden of those bodies that will be responsible for administering punishment for an offence against this regime. The point I make is that the level of the fee is far too low.

I am happy to accept that what the Deputy Premier says is correct—that this expiation fee is comparable to other expiation fees that are set in other areas of the consumer law. But we are talking about a regime here that is meant to bring some transparency, and preferably lower prices, to the approximately one million South Australians who find themselves in need of purchasing fuel every week. We are talking about the sum of those transactions being tens of millions of dollars every week.

I do not think it is unreasonable that when we have a market that has so few participants, and amongst those participants there are very dominant players in there, they be incentivised to make sure that their systems, processes and behaviours are such that they can adhere to the law. If they are not able to, for whatever reason, then they should pay a fee or they should have the option to pay an expiation fee that is more commensurate for the ill they do to the community and perhaps even a reflection of their capacity to pay.

The Hon. A. KOUTSANTONIS: I am not sure if the minister has already answered this, but how did she come to the figure of $315?

The Hon. V.A. CHAPMAN: I have answered it and I refer to my previous answer: it is commensurate, apparently.

The Hon. A. KOUTSANTONIS: Does the minister have any evidence to supply to the committee that that is a disincentive for any retailers to behave in a way that would be breaching the act?

The Hon. V.A. CHAPMAN: No, the advice was that this is commensurate with other consumer law of this nature and that is therefore an amount to be recommended. It has come from Mr Soulio. There is an expiable offence and we have included that. There appears to be no objection to that, just the amount. I have undertaken to the committee to provide examples of the comparable breaches upon which the advice that we have been given has relied, and so I cannot do anything further than that.

The Hon. A. KOUTSANTONIS: Given the size of some of the retail outlets, I would have thought that it is pretty common sense to think that the expiation fee is relatively small in comparison to the size and capabilities of these companies. Retailers who are involved in fuel are usually either multinational or very large family businesses that are dealing in the hundreds of millions rather than the millions, and the multinationals would be dealing in the billions.

These are vertically integrated businesses, whether they be miners or explorers who then go to processing and refining and also distribute their fuel. We are talking about a very long and large supply chain. I do not think a $300 or so expiation notice is going to have much impact on British Petroleum or Caltex or Shell or Woolworths—any others?

Mr Brown: The Shahins?

The Hon. A. KOUTSANTONIS: I am not mentioning them—a good, family business. Just to be clear, Shell and British Petroleum spend billions just on exploration, let alone actual mining, actual refining and distribution. I reckon I could hear the howls of laughter out of a pricing room in British Petroleum or Shell if they find out that, if they breach the act, South Australia, a subnational jurisdiction in a city they may never have heard of, will fine them $A315. Let's face it: it is not really a penalty.

In the great Australian vernacular, it is a Clayton's penalty: it is a penalty when you are not having a penalty. The minister can go out publicly and say, 'Well, there are penalties in the act,' but of course the penalties do not mean anything unless they have a real impact. I have to say even $10,000 is not the type of penalty that would make some of these companies squirm, so let's be serious about this.

The minister's intention here is not to lower fuel prices; it is simply to give consumers the ability to know what fuel is being priced at any particular time—two very different outcomes we are seeking here. We on this side of the house want to lower fuel prices; members opposite want people to know how expensive fuel is. There is a difference.

I would have thought that if you want at the very least to make sure the retailers, who have probably been guilty of price gouging and price fixing in the past, obey the law, the penalties would actually match the crime. I just do not think $315 quite cuts it. It is hardly a night in Victor Harbor, a very expensive place to live, I understand. It is hardly enough to stay one night at the President of the Legislative Council's house. It is not a very big fine.

What the government is attempting to do here is not the work of the people but work for retailers, and that is disappointing because I think we are all pushing on an open door here. I do not think there is a person in the parliament who wants to see expensive fuel prices. We are all heading to the same mountaintop, just up a different path—did you like that one, Brownie—but what we want is to actually put pressure, an incentive, on retailers to lower prices and transfer the risk to them, rather than motorists.

This fine, bringing in this penalty, is not commensurate, I believe, with other ordinary consumer law because we are talking about entities that are massive. I would go as far as to say that I suspect one or two of them have larger annual budgets than the state, so a $300 fine is not going to cut it. If the minister thinks it will, I think she is sadly mistaken and she is making an error here. The opposition would ask her to reconsider her folly and leave a penalty in place that would actually get an outcome.

Even if the Deputy Premier is not attempting to lower fuel prices, at the very least, as a minimum, let's make sure we have accurate reporting on what the expensive fuel the Attorney-General is happy with being advertised accurately, rather than the retailers just ignoring the government's legislation because it is cheaper simply to pay the fine. It is like environmental regulations. Environmental regulations are onerous and difficult to implement because we want there to be a real disincentive. You have to make the penalty quite harsh so that the entities are incentivised to spend the money they need to ensure they do not do any damage.

If you are introducing a $300 fine on Shell or British Petroleum, what you are really saying is, 'I'm not trying to interfere with your business model. What I am attempting to do is to pretend I'm bringing in a scheme that would have a certain outcome but without doing any harm to your business model.' I reject that and I think the Attorney-General has got this wrong, even though her intent is good. The fine should be more severe. The fine should be commensurate with the size of the company you are attempting to regulate because otherwise the regulated will regulate us because they can afford to pay the fine.

With those few brief remarks, I would ask the Attorney-General to do something she has never done before: admit she is wrong and agree with the opposition. Those are two things she has never done before. The third is to humbly accept that the penalties should be higher.

The Hon. V.A. CHAPMAN: I thank the member for West Torrens for his contribution on what he thinks would be effective. As I have indicated, this is the advice we have in relation to an expiable offence being an effective option to be included. I have indicated that we will provide comparative prices upon which it is being relied. The members who raised this may well be right that it is not enough. I am happy to consider that between the houses. We will provide the comparable information and consider that.

Please note that we are not actually removing the $10,000 fine. For every breach, there might be thousands of breaches of one second beyond the 30 minutes, for example, that actually impose this. Commissioner Soulio has said, 'I'm going to be asked to be the regulator on this,' not all of these are big, multinational, massive companies, examples of which the member has referred to. There are small independents that may inadvertently breach one of these requirements and that may need to be considered, but that is why we are proposing that the regulator has that option.

We are certainly not wanting to diminish the availability to the regulator of prosecuting under the principal offence with the maximum penalty in any of those three categories. That is not our objective here. I heard what the member had to say. The member for Lee says it should be double.

That may be right, but, as I said, we will get the comparable amounts and get some further advice on it and provide that information and, if it is appropriate that we need to change that, we are happy to look at it.

Ms BEDFORD: Attorney, can I ask why you had in your original bill the maximum penalty of $10,000, which you are now amending? I understand that, based on comparable offences, it is usually an expiation of around 20 per cent of the court fine, so that should be $2,000.

The Hon. V.A. CHAPMAN: I cannot agree with the member's assessment of that, as to what her understanding is. This is the advice that we have received for an expiation aspect. There is no change to the $10,000. That is a penalty. If it is prosecuted as an offence, the maximum $10,000 is still there. All that is being added is the option for the regulator to proceed with an expiable offence.

As I say, there might be thousands of council breaches in relation to a matter that justify the regulator considering that they were individually perhaps very minor breaches. All we are doing is adding to the options available to the regulator at his request, but, as I have indicated to other members, if the amount is a bit low, then obviously that will show out in the comparable information that we will provide to the committee.

The CHAIR: Member for Florey, you have had three questions already.

Ms BEDFORD: This is my last question then, isn't it?

The CHAIR: Member for Florey, no, you have had three questions.

Amendments carried.

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

Amendment No 1 [Brock–1]—

Page 3, after line 26 [Clause 3, inserted Part 6B]—After inserted section 45F insert:

45G—Power to report to Essential Services Commission

If the Commissioner for Consumer Affairs considers that there is price gouging or market inefficiency in retail fuel pricing for any area of the State, the Commissioner may refer the matter to the Essential Services Commission and, in such a case—

(a) the *Essential Services Commission Act 2002* applies as if the provision of fuel were an essential service within the meaning of that Act; and

(b) the activities of fuel retailing and fuel wholesaling are declared to constitute a regulated industry for the purposes of that Act.

45H—Fuel subsidy scheme

The Treasurer may establish a scheme to subsidise retail sales of fuel in parts of the State where fuel cannot otherwise be sold at a reasonable cost to consumers.

This is an issue that has really been hanging around for a long time and to stabilise the metropolitan market is a very important measure, not only in its own right but to ensure that country motorists get a fair go. That is why I wholeheartedly supported the member for Florey's amendments today, which were negatived.

The amendments I have moved are designed to add to this proposal, although they can operate independently of it and alongside the government's price monitoring scheme also. My amendment will introduce two new sections to the Fair Trading Act. The first of these, a new section 45G, grants the Commissioner for Consumer Affairs, who is responsible for monitoring fuel prices under the new part 6B, power to refer to the Essential Services Commission (ESCOSA) any concerns about price gouging or market inefficiency in retail fuel pricing in any part of the state.

Proposed new section 45G allows ESCOSA to investigate whether price controls ought to be applied in a part of the state by applying the provisions of the Essential Services Act to the provision of fuel as if fuel retailing and wholesaling were a regulated industry under the act. This is a powerful tool to tackle exploitative market practices, particularly in regional areas.

Proposed new section 45H allows the Treasurer to establish a fuel subsidy scheme in any part of the state where fuel cannot otherwise be sold at a reasonable cost to consumers. This permits

the types of previous subsidy schemes that have been used to tackle high fuel prices in regional areas when they have arisen from time to time.

While country fuel prices will often be higher due to transport costs, differing contractual arrangements and a tougher retailing environment, the differential between city and country prices should not be so high as to significantly disadvantage or take advantage of country motorists. I draw the parliament's attention to the fact that governments have historically provided similar subsidy schemes.

Indeed, it was only in the 2010 state budget that the most recent state scheme, the petroleum subsidy scheme, was abolished, on my information, saving around $49.8 million at the time. While it may be there were good reasons for that to happen then, there is a need to have the tools available to support regional communities, and this amendment will assure that. That scheme, in turn, followed the invalidation of the former zonal system of petrol price regulation, which was designed to ensure country consumers did not pay through the nose compared with city consumers.

Both of these new sections are extra tools that will give the government greater ability to stabilise country fuel prices when needed. The reason I am doing this is that some of the prices in country areas are so high that some industries have extra costs and are therefore not competitive. We need to control it and give some sort of subsidy to those industries, otherwise we will see regional industries in particular relocating to Adelaide or maybe to the Eastern States.

The Hon. V.A. CHAPMAN: I refer to the member's amendment No. 1, which is to insert 45G and 45H into clause 3 and which seeks to employ the Essential Services Commission on referral from the regulator, as I understand it, for the purposes of considering any price gouging or market inefficiency in retail pricing. My advice is that the Chief Executive of ESCOSA has not been consulted on this proposal. The member may have, but that is my advice. That would be something that we as a government would certainly need to consider as to whether they are even interested in receiving a referral by the regulator.

I just point out that I suppose we would need to have an understanding of exactly what it is that would be referred, and what the terms of reference would be for them to undertake some kind of determination, and potentially some kind of declaration that would fix a price to provide the benefit that is being sought. ESCOSA do have a price fixing for water, for example, and they undertake that responsibility. To the best of my knowledge, they do not do this for the purposes of fuel, but I am not entirely sure whether it is to be a price fixing model or whether it is to be a referral of an investigation into price gouging.

Most of these situations are no doubt dear to the member's heart. Regarding cost of living in regional parts of the state, the further you leave the metropolitan area, the uglier it gets. I do understand that. There are certain state supplementary supports that are given, for example, in relation to energy production in remote areas of the state, so there are different ways you can address that, but we would certainly need to have some more information before we could agree to such a proposal. We would certainly need to consult with the Essential Services Commission to do that.

I do remind members that although I think the member for Giles raised concerns in the debate about the ineffectiveness of the ACCC, I did not hear in his contribution any indication that he had referred anything himself to the ACCC as a matter which he then sees a failing on behalf of ACCC to investigate, but he was certainly highly critical of the effectiveness of that body in undertaking any kind of role of investigation as to a price gouging circumstance.

In his instance, he claimed that there was a collusion between retailers in Whyalla, the town he represents, on a regular basis, which resulted in there being a very significant burdensome price being charged in the town, and every fuel station he went to in his town having this outrageous price. I hear the concern. I am not sure there has been any action taken by the member to do that.

The member for Frome has been a longstanding member of the parliament, and he does understand the regions. At the moment, we cannot endorse this type of approach without there being some discussion with the Essential Services Commission and some understanding of whether they are going to be a complaint body—the ACCC is already that if it needs to be done—or they are going to be a price-fixing body. We would certainly need to have some detail on that. On the fuel subsidy scheme, it invites the Treasurer to:

> …establish a scheme to subsidise retail sales of fuel in parts of the State where fuel cannot otherwise be sold at a reasonable cost to consumers.

It may be that the people of Lower Light think they pay too much for petrol, so I am not quite sure how this is going to be defined or what it actually does. I realise it is a 'may' but I think even our Treasurer would need some pretty clear instructions. I am assuming there has to be some kind of incapacity for there to be any comparable price, presumably because of the distance or the low volume of fuel sold that means that the people who purchase 50 miles south of the Northern Territory border are paying a higher price and looking for some subsidy for it.

The zone, the area, the distance, the factors to be considered are all matters which we would need to have some advice on before we even gave the Treasurer discretion to come up with something of his own. That could be dangerous, actually. Nevertheless, I thank the member for raising the point. I accept that it is a genuine concern but at the moment I cannot support it. I understand that this is a format that has seen its way into another bill in another place and, again, the government would need to have some clarity as to how this is going to be effective, and some indication that ESCOSA would be part of the deal, before we could consent to it.

The Hon. S.C. MULLIGHAN: I also rise to speak on the member for Frome's amendment regarding the capacity for the Essential Services Commission effectively to become active if it is the view of the Commissioner for Consumer Affairs that there is price gouging when it comes to fuel pricing in regional areas.

The Essential Services Commission would be able to effectively start providing a level of regulation to the industry on the basis that it can provide some transparency and downward pressure on prices. The extension to that is then that the Treasurer may establish a scheme to subsidise fuel retail sales. That is something that, as the Deputy Premier says, would terrify any treasurer, given not only the likely expense of that but the difficulty in reasonably administering such a scheme, putting some parameters around it and determining how it should be applied.

I also agree with the Deputy Premier that there is no doubting the motives of the member for Frome here. He and other regional MPs—including the member for Giles, as the Deputy Premier has made reference to, and I am sure other regional MPs around South Australia—would be very frustrated that they see at times a significant price disparity for fuel at retailers. But rather than addressing the cause of the disparity in the pricing, merely subsidising the cost of fuel at taxpayers' expense not only is a very burdensome way of addressing the issue from a state budget perspective but is not a particularly efficient way of doing it because it does not actually prevent the problem that we are seeking to address, and that is the overpricing of fuel in regional areas.

I think it is a little unreasonable for the Deputy Premier to have a crack, effectively, at the member for Giles for complaining about the ACCC. The member for Giles is no orphan in Australia in complaining about the ACCC being a toothless tiger. Of course, there are many complaints that are raised by members of local communities, if not their community representatives, about what they regard to be anticompetitive behaviour. In some cases, we presume, given the lack of action undertaken by the ACCC, the ACCC forms the view that it does not have the resources to pursue that matter or perhaps forms the view that the matter is not serious enough to be worthy of pursuit.

We can also be reminded that the ACCC, along with ASIC and APRA, was one of the independent regulatory oversight bodies put in charge of ensuring that we did not see predatory and anticompetitive behaviour occurring in the banking sector, and what did they do for many years? Largely nothing, particularly at the expense of regional members who were taken advantage of by their banks. So I think we can all sympathise with the sentiments of the member for Giles in perhaps, sadly, reflecting on the futility of referring such matters to the ACCC because I think there is a long history of members of regional communities being given short shrift by the ACCC.

I realise that not passing this amendment, in the absence of some other mechanism, leaves the ill that the member for Frome seeks to address unresolved. Hopefully, whichever scheme of fuel price transparency and monitoring that we come up with will perhaps ameliorate this situation for members of regional communities. Unfortunately, this particular mechanism the member for Frome suggests is not one that the opposition can support.

Amendment negatived.

The CHAIR: Are there any further questions on clause 3?

Ms BEDFORD: I am sure I have a question on clause 3. Can the Attorney-General indicate who the Productivity Commission spoke to in Western Australia? By way of explanation, I understand the commission suggests the Western Australian scheme has not been reviewed and may, for the luxury of knowing when petrol will be cheaper, push up prices for consumers despite unequivocal assertions by WA administrators in the department and industry spokespeople I have spoken to show that the sharing of petrol prices in Perth are lower than the Brisbane prices.

The Hon. V.A. CHAPMAN: Whilst I do not agree with the member's assessment of the lower prices—and other members have referenced the question of using the month of June as a comparator, and leaving that aside—I do not know the name of the person the Productivity Commission consulted. I know the member has had an opportunity to put a submission to the Productivity Commission and meet with the commissioner, so I can only suggest that she raise that question with the commissioner as to who they might have consulted, if it needs to be more descriptive than what is already in their report.

Ms BEDFORD: The real issue that comes to the fore right here and now is the infamous chart with the double tick, the tick and the cross. None of the lines in this chart, which appears on page 33 of the commission's report, seem to take the side of the consumer. In particular, in the section at No. 6, where it says, 'This system, option 1,' which is the Queensland model, which is what your bill is based on, 'is a cost-effective and efficient model for industry'.

If industry can change the price every 30 minutes, as it were, and may be liable to a fine or an expiation of $315 every time something is detected as incorrect, how would that be cost-effective and efficient for the industry if they are liable to a fine every time they change the price if it is not notified correctly?

The Hon. V.A. CHAPMAN: The expectation is that they comply. I know there has been a bit of discussion about the importance of making sure they comply. I have a reference, though, to the Productivity Commission, which indicated that the Fuel Watch model, which is the model that I apparently disrespectfully referred to as the 'freeze model', is not cost-effective and it is inefficient for industry. They have already made that assessment. That does not mean that it might in itself be a good thing to do. These are the things we have to weigh up as to what is going to be useful.

The commission estimated that the Fuel Watch would impose a higher compliance regulatory cost on retailers than the Fuel Check model. That is their assessment. Obviously, it is one of the matters the government has considered as to what we therefore advance as the best way to progress at this point. I am not sure that I can add anything other than the indication from the commission that it is a concern that an increase in the compliance cost in two points of the supply chain would lead to a negative impact on the prices for consumers. We note that. We are taking it into account in our consideration.

I am not sympathetic to the retailers who breach their obligations under this proposal. That is precisely why we want it to be severe and very clear to them that if they comply they will not be fined and they will not have offences, convictions and penalties. There is an expectation of compliance, and they will not be paying anything other than the compliance to provide the data on time each time they change the price.

Ms BEDFORD: Can the Attorney-General confirm that the difference in costs per annum to retailers based upon one-sided information provided by the retailers themselves appears to be only $198,000 per annum for all 450-odd service stations across the state, and does the Attorney agree that is a very fine line to draw on costs?

The Hon. V.A. CHAPMAN: I am not sure I understand the member's question.

Ms Bedford: No, I am not sure I do, either.

The Hon. V.A. CHAPMAN: I am happy to listen to it being rephrased and that might give me some hint, but if it is a matter that becomes clear when I have a chance to read it, we will certainly try to get some answers to the member in between the houses.

Clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (22:56): Thank you, Mr Deputy Speaker, and thank you for your excellent chairmanship of that committee. I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 22:56 the house adjourned until Wednesday 1 July 2020 at 10:30.

Answers to Questions

MINISTERIAL STAFF

65 The Hon. S.C. MULLIGHAN (Lee) (2 June 2020). What are the names, titles and salaries of ministerial staff working for the Treasurer at any stage between 1 May 2019 and 1 May 2020?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

Name	Title	Salary*
De Gennaro, Luigi (Gino)	Chief of Staff	$165,648
Robertson, Julian	Senior Ministerial Adviser	$136,660
Matas (Lees), Susan	Ministerial Adviser	$112,848
Mesisca, Luigi	Ministerial Adviser	$112,848
Marciano, Nino	Ministerial Adviser	$112,848

*Ministerial staff gazetted on 18 July 2019 received a 2 per cent salary increase effective 1 July 2019.

DEFENCE AND SPACE LANDING PAD

72 The Hon. S.C. MULLIGHAN (Lee) (2 June 2020). Which consultants and contractors have been engaged to assist the operations of the defence landing pad?

(a) What is the cost of each of these engagements?

(b) What services have these consultants and contractors been engaged to provide?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

Defence SA has not engaged with any consultants or contractors to assist in the operations of the Defence and Space Landing Pad therefore no costs have been incurred.

JOHN RICE AVENUE-HAYDOWN ROAD INTERSECTION

77 Mr ODENWALDER (Elizabeth) (16 June 2020). What is the annual breakdown of reported crashes at the intersection of John Rice Avenue and Haydown Road, Elizabeth Vale, from 2014 to the present?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

Reported crashes at the intersection of John Rice Avenue and Haydown Road, Elizabeth Vale					
Year	Property Damage Crashes	Minor Injury Crashes	Serious Injury Crashes	Fatal Crashes	Total Crashes
2014	2	5	0	0	7
2015	4	2	0	0	6
2016	2	0	0	0	2
2017	2	1	0	0	3
2018	0	1	0	0	1
2019	3	3	1	0	7
2020	1*	0	0	0	1*

*Preliminary data as at 3 June 2020, subject to review.

COST OF LIVING CONCESSION

82 The Hon. S.C. MULLIGHAN (Lee) (16 June 2020). As at 3 June 2020, how many of the one-off $500 payments under the Cost of Living Concession had been made and how many remain to be paid?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 3 June 2020, 16,661 payments of $500 had been made to eligible Cost of Living Concession (COLC) recipients, totalling $8,330,500. The approved payments included:

- 11,775 customers who received the 2019-20 COLC, totalling $5,887,500.
- 4,886 customers newly eligible for the COLC, totalling $2,443,000.

1,706 applications were in the process of assessment to determine eligibility.

SEAFORD SECONDARY COLLEGE

84 Mr PICTON (Kaurna) (16 June 2020). With regards to the $8 million upgrade to Seaford Secondary College announced in 2017:

(a) What aspects of the school will be upgraded as part of the project?

(b) When is the project estimated to go to tender?

(c) When is construction estimated to commence?

(d) When is construction estimated to be complete?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): I have been advised of the following:

The project scope for Seaford Secondary College is as follows:

- a new performing arts facility between the senior school and community library providing improved street frontage and connectivity
- refurbishment of middle school learning areas, home economics and student amenities
- refurbishment of the senior school centre including improved outdoor connections to a new study courtyard
- demolition of ageing infrastructure.

The Department of Planning, Transport and Infrastructure (DPTI) has advised that this project has just been out to tender, with a closing date of 16 June 2020.

DPTI has further advised that construction is estimated to commence by the end of August 2020 and be completed (including practical completion) by the end of August 2021.

SEAFORD SECONDARY COLLEGE

85 **Mr PICTON (Kaurna)** (16 June 2020). With regard to the $8 million upgrade to Seaford Secondary College announced in 2017, what is the breakdown of that $8 million across financial years?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): I have been advised of the following:

The approved budget profile for the Seaford Secondary College capital works redevelopment is as follows:

2017-18 (actual)	$0.006m
2018-19 (actual)	$0.000m
2019-20	$1.300m
2020-21	$4.200m
2021-22	$2.200m
2022-23	$0.294m
Total	$8.000m

CONSULTANTS AND CONTRACTORS

90 **The Hon. S.C. MULLIGHAN (Lee)** (17 June 2020). What consultancies and/or contractor arrangements have been engaged by the Department of Treasury and Finance since 30 June 2019?

(a) What is the purpose of each consultancy and/or contractor arrangement?

(b) What is the estimated cost of each consultancy and/or contractor arrangement?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The government has provided a response in Question on Notice 67.

PUBLIC SECTOR EMPLOYEES

93 **The Hon. S.C. MULLIGHAN (Lee)** (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in the Department of Treasury and Finance?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 1 June 2020, there were 1,616.88 funded positions in Department of Treasury and Finance.

Classification	FTE
AHP1	1.8
AHP2	6.9
AHP3	7.3
AHP4	3.4
ASO1	8.9
ASO2	213.95
ASO3	270.56
ASO4	264.2
ASO5	248.19
ASO6	203.09
ASO7	127.74

Classification	FTE
ASO8	111.13
CFR0	20
COA0	5.6
CONA	6.2
CPA0	1
EXEC00	2.6
EXEC0A	1
EXEC0B	1
EXEC0D	1
EXEC0F	1
IRCC	1
JUD0	7
LE01	3
MAS3	29.8
MIN0	2
MINA	2
MINC	1
OPS3	1
OPS4	1
PO1	1
PO2	2.73
PO3	1
PO4	6.79
RN3A	1
SAES1	34
SAES2	13
TGO4	1
WCDP	1
WSE4	1
Grand Total	1616.88

PUBLIC SECTOR EMPLOYEES

94 **The Hon. S.C. MULLIGHAN (Lee)** (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in Revenue SA?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The Treasurer has provided the following advice:

As at 1 June 2020, 179.31 FTE positions were funded in Revenue SA.

Classification	FTE
ASO2	19.73
ASO3	24.88
ASO4	55.43
ASO5	36.49
ASO6	22.38
ASO7	9.4
ASO8	8
SAES1	2
SAES2	1
Revenue SA	179.31

PUBLIC SECTOR EMPLOYEES

95 **The Hon. S.C. MULLIGHAN (Lee)** (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in Super SA?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised that:

As at 1 June 2020, 157.07 FTE positions were funded in Super SA.

Classification	FTE
ASO2	2
ASO3	45.15
ASO4	43.9
ASO5	21.19
ASO6	13.93
ASO7	11
ASO8	7.9
MAS3	6
SAES1	5
SAES2	1
Super SA	157.07

PUBLIC SECTOR EMPLOYEES

96 **The Hon. S.C. MULLIGHAN (Lee)** (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in the Office of the Chief Executive in the Department of Treasury and Finance?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 1 June 2020, there were 3 funded positions in the Office of the Chief Executive.

Classification	FTE
ASO6	1
EXEC0F	1
SAES2	1
Office of the CE	3

PUBLIC SECTOR EMPLOYEES

97 **The Hon. S.C. MULLIGHAN (Lee)** (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in the Financial Services branch of the Department of Treasury and Finance?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

Following machinery of government changes, the Financial Services team is now a part of the Organisation and Governance Branch, and also incorporates Information Technology, People and Performance, Risk and Audit, Financial Management, Reporting and Policy (formerly Public Finance Branch), and Electorate Services.

The number of funded FTE positions in Organisation and Governance Branch is 157.4 FTE as at 1 June 2020.

Classification	FTE
ASO2	11.69
ASO3	18.5
ASO4	22.96
ASO5	18.31
ASO6	25.34
ASO7	16.53
ASO8	15.47
CFR0	20
CONAGD	0.6

Classification	FTE
MAS3	4
SAES1	3
SAES2	1
Organisation & Governance	157.4

PUBLIC SECTOR EMPLOYEES

98 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in the Public Finance branch of the Department of Treasury and Finance?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As advised in response to Question on Notice 635 and tabled in parliament on 20 March 2019, Public Finance is no longer a branch of the Department of Treasury and Finance.

PUBLIC SECTOR EMPLOYEES

99 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in Budget Analysis and Performance branch of the Department of Treasury and Finance?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 1 June 2020, 58.99 FTE positions were funded in Budget and Performance.

Classification	FTE
ASO1	1
ASO2	1.56
ASO3	3
ASO4	7.2
ASO5	5.6
ASO6	9.9
ASO7	10.73
ASO8	12
SAES1	7
SAES2	1
Budget & Performance	58.99

PUBLIC SECTOR EMPLOYEES

100 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in New Schools Public Private Partnership branch of the Department of Treasury and Finance?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The New Schools Public Private Partnership Branch is a part of the Commercial and Economics Branch. Please refer to the response for QON 102.

PUBLIC SECTOR EMPLOYEES

102 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). As at 1 June 2020, how many public sector FTE positions were funded in Commercial Projects Group branch of the Department of Treasury and Finance?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

This branch is now called Commercial and Economics Branch.

As at 1 June 2020, there were 28 funded positions in the Commercial and Economics Branch. This includes the New Schools Public Private Partnership group.

Classification	FTE
ASO3	1.6
ASO4	1.8
ASO5	2
ASO6	4.8
ASO7	4.8
ASO8	8
SAES1	3
SAES2	2
Commercial & Economics	28

PUBLIC SECTOR EMPLOYEES

103 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in the South Australian Government Financing Authority (SAFA) branch of the Department of Treasury and Finance?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 1 June 2020, there were 81 funded positions in SAFA branch.

Classification	FTE
ASO2	2
ASO3	3.76
ASO4	11.28
ASO5	9.13
ASO6	19.3
ASO7	12
ASO8	13.53
CPA0	1
MAS3	1
OPS3	1
OPS4	1
SAES1	3
SAES2	2
WSE4	1
SAFA	81

PUBLIC SECTOR EMPLOYEES

104 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in CTP Insurance Regulator branch of the Department of Treasury and Finance?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 1 June 2020, there were 26 funded positions in the CTP Insurance Regulator Branch.

Classification	FTE
ASO3	4
ASO4	3

Classification	FTE
ASO5	4
ASO6	3
ASO7	3
ASO8	6
EXEC0D	1
SAES1	2
CTP	26

PUBLIC SECTOR EMPLOYEES

106 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). As at 1 June 2020, how many total public sector FTE positions were funded in the Lifetime Support Authority branch of the Department of Treasury and Finance?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 1 June 2020, there were 65.37 funded positions in the Lifetime Support Authority.

Classification	FTE
AHP1	1.8
AHP2	6.9
AHP3	7.3
AHP4	3.4
ASO2	10.44
ASO3	3
ASO4	7.4
ASO5	2
ASO6	8.8
ASO7	5
ASO8	4.73
EXEC00	1.6
EXEC0A	1
EXEC0B	1
SAES1	1
Lifetime Support Authority	65.37

PUBLIC SECTOR EMPLOYEES

107 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). As at 1 June 2020 how many public sector FTE positions were funded in Funds SA?

1. What is the number of funded FTE positions by classification level?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

Funds SA is a self-funded government business enterprise established under the Superannuation Funds Management Corporation of South Australia Act 1995. The corporation operates on a cost-recovery model, employing 52 FTE on this basis as at 1 June 2020.

Funds SA maintains its own enterprise agreement. Funds SA employees comprise a combination of those on contracts, and those on the enterprise agreement. The Funds SA Enterprise Agreement contains a unique salary framework that is different to the state government classification structure.

Consequently, Funds SA has neither publicly funded positions, nor position levels that mirror state government classification levels.

PUBLIC SECTOR EMPLOYEES

108 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). As at 1 June 2020 how many people were on short-term contracts in the Department of Treasury and Finance?

1. What is the breakdown by branch?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 1 June 2020, 302 employees were on short-term contracts.

Branch	Short-term Contract
Budget & Performance	1
Commercial & Economics	2
CTPIR	5
Government Services	157
Lifetime Support Auth.	22
Organisation &Governance	11
REVENUE SA	40
SAET	9
SAFA	6
SAFEWORK SA	13
SUPER SA	30
Treasurer's Office	5
Grand Total	301

FUTURE JOBS FUND PROGRAM

109 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). How much of the budgeted funds for the Future Jobs Fund remains unspent as at 1 June 2020?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The South Australian Government Financing Authority (SAFA) advises that as at 1 June 2020 there is $18.379 million of funds remaining to be paid from the Future Jobs Fund (including both grants and loans). All of this funding has been committed to specific organisations.

HOMESTART FINANCE

111 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). What is the guarantee fee charged to HomeStart Finance by the SAFA for the 201920 financial year?

1. What is the fee in percentage terms?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The guarantee fee charged to HomeStart Finance for the 2019-20 financial year is $27,161,395. The fee in percentage terms is 0.99 per cent.

SA WATER

112 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). What is the guarantee fee charged to SA Water by the SAFA for the 2019-20 financial year?

1. What is the fee in percentage terms?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The guarantee fee charged to SA Water for the 2019-20 financial year is $92,425,236. The fee in percentage terms is 0.99 per cent.

RENEWAL SA

113 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). What is the guarantee fee charged to Renewal SA by the SAFA for the 2019-20 financial year?

1. What is the fee in percentage terms?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The guarantee fee charged to Renewal SA for the 2019-20 financial year is $7,554,374. The fee in percentage terms is 0.99 per cent.

HOUSING TRUST

114 **The Hon. S.C. MULLIGHAN (Lee)** (17 June 2020). What is the guarantee fee charged to the South Australian Housing Trust by the SAFA for the 2019-20 financial year?

1. What is the fee in percentage terms?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The South Australian Housing Trust (SAHT) did not have any debt outstanding with SAFA during 2019-20. Accordingly, no guarantee fee was charged to the SAHT in 2019-20.