# HOUSE OF ASSEMBLY

## Wednesday, 23 September 2020

**The SPEAKER (Hon. J.B. Teague)** took the chair at 10:30 and read prayers.

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

*Parliamentary Procedure*

### STANDING ORDERS SUSPENSION

**Ms BEDFORD (Florey) (10:31):** I move:

That standing orders be so far suspended as to enable me to move a motion without notice forthwith.

**The SPEAKER:** I have counted the house and I see there is an absolute majority present. Is the motion seconded?

**An honourable member:** Yes, sir.

**Ms BEDFORD:** My motion would be that a privileges committee be established to examine and report on the conduct of the secret ballot held on Tuesday 8 September. This is a matter that I believe is of grave urgency to the house and goes to the very essence of democracy: the principle of the secret ballot and how it relates to privileges, powers and immunities of this house.

Without traversing the full details of the matter, which is properly a matter for the committee to consider, it is necessary to put a brief chronology to you in explanation of this motion. On Tuesday 8 September, a secret ballot was needed for the election of a new Speaker. On the first ballot, the numbers were tied at 23, 23 and 1.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Point of order: it seems to me that the member for Florey might be moving towards debating the motion itself rather than the motion for the suspension of standing orders. I think the chronology, with regard to how she would like to build up her case for the select committee, could be done later if standing orders are suspended.

**The SPEAKER:** I have the point of order. I am very much alive to the point and note that the matter is now raised also by a point of order. I direct the member for Florey to address the question of the suspension rather than the merits for the time being, but I am listening carefully.

**Ms BEDFORD:** Yes, sir. There are three basic arguments, which I believe a privileges committee might engage. Firstly, it should examine whether the conduct of the ballots affronted the dignity of the house. All ballots of the house should be undertaken in such a way that the unfettered opinion of members is available to the house—

**The SPEAKER:** Member for Florey, this is not the occasion to raise the scope or the merits but, rather, the reasons why it is necessary in your view that standing orders be suspended.

**Ms BEDFORD:** At the very end of it all, I suppose, it is around the business of the house and how the business of the house should be conducted. It is necessary to give consideration to a privileges committee in order to make sure that the rules of the house and the standing orders of the house are in place.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Point of order: I submit that the reasons why a privileges committee may or may not be important to get up, as the member for Florey has just spoken about, are not relevant to the urgency or otherwise of suspending standing orders.

**The SPEAKER:** I have the point of order, once again. The member for Florey has addressed the matter of urgency, and I appreciate that the member for Florey is endeavouring to abridge her remarks. Again, I remind the member for Florey to confine her remarks to the question of the suspension for the time being.

**Ms BEDFORD:** The need to suspend standing orders to look at this matter, I believe, is of importance because the view of everyone I have spoken to, legally, in the last few weeks is that this is a question that should be resolved by the house. I think the only way it can be resolved is by a privileges committee.

**The SPEAKER:** Is there any speaker against the motion?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (10:36):** Yes, thank you, Mr Speaker. In the last set of remarks we again heard the member for Florey talk about her opinion about the importance of establishing a privileges committee. That may or may not be the case, but this debate is actually about whether or not to suspend standing orders and whether or not it is urgent that that happens.

I submit, and the government submits, that there is no urgency with regard to this issue. There is no basis for suspending standing orders to deal with this matter. The member for Florey has other means at her disposal if she thinks this is an important issue that needs to be dealt with.

She has said that she thinks this issue 'strikes at the heart of democracy'—I think those were the words. If they were not exactly those words they were very close. Again, I believe that has absolutely nothing to do with the urgency of the matter of whether or not we should suspend standing orders. The government will not be supporting this motion to suspend standing orders.

One of the things that is at the heart of our democracy is that after a fair ballot is had the verdict is respected. Again, coming to the urgency or otherwise of this debate, this is something that the member for Florey has already asked you to consider, Mr Speaker, whether it was a matter of privilege, whether you thought, under any other circumstances, her particular perspective about the vote for Speaker in which you were successful and she was unsuccessful should urgently be dealt with now.

**The SPEAKER:** Minister, no point of order has been raised but I note, in very much the same manner in which I addressed the member for Florey, that it is very important at this stage that you confine your remarks to the merits or otherwise of suspending standing orders.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Thank you, Mr Speaker. The reason I made those comments was that your assessment, as Speaker, on this issue broadly has already been provided. If it were genuinely urgent that it be addressed today, it would have been genuinely urgent to have been addressed before today. I submit that it is not urgent.

I believe the member for Florey has every right to express her concerns. I believe the member for Florey has every right to pursue this issue in other ways, but I do not believe it is an urgent issue that warrants the house suspending standing orders immediately to deal with it.

**The SPEAKER:** Is there any other speaker? The question before the Chair is that the motion to suspend—

**Ms BEDFORD (Florey) (10:39):** I would like to conclude my remarks, sir.

**The SPEAKER:** I understand that is correct, member for Florey.

**Ms BEDFORD:** The reason it is important, I believe, is to completely remove any doubt at all that this house has operated as it should with—

**The Hon. D.C. VAN HOLST PELLEKAAN:** Point of order, sir.

**Ms BEDFORD:** Because you yourself, sir, have set a very high bar.

**The SPEAKER:** There is a point of order. The member for Florey will resume her seat. A point of order has been raised. The minister on a point of order.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Could I ask you again, please, to ask the member for Florey not to talk about the importance but to talk about the urgency, because that is what this debate is about. The importance or otherwise can be dealt with at another time; this is about urgency.

**The SPEAKER:** Again, the point of order is well made. I will hear the member for Florey, but I note that further remarks on the merits are a matter for the substantive motion in due course.

**Ms BEDFORD:** In your two rulings on the matters I have raised, the first one was about me providing you with a 10-page letter, which I believe, unfortunately, you did not have time to consider properly. However, in your first ruling you said to me if there were any further materials I would like to bring to your attention, to do so—which I did by bringing the 10-page letter to your attention. You then said, sir—

**The SPEAKER:** Order! Member for Florey, this is very much to the merits of the matter as opposed to the question of urgency that may well go to whether or not standing orders should be suspended.

**Ms BEDFORD:** That will be in the hands of the members, of course, sir, but if members do not feel this is a matter of urgency, that this does not underpin the very essence of why we are here, it will be voted on shortly.

The house divided on the motion:

Ayes.....21
Noes .....23
Majority .....2

AYES

| | | |
|---|---|---|
| Bedford, F.E. (teller) | Bell, T.S. | Bettison, Z.L. |
| Bignell, L.W.K. | Boyer, B.I. | Brock, G.G. |
| Brown, M.E. | Close, S.E. | Cook, N.F. |
| Duluk, S. | Hildyard, K.A. | 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. | Treloar, P.A. | van Holst Pellekaan, D.C. |
| Whetstone, T.J. | Wingard, C.L. | |

Motion thus negatived.

**The SPEAKER:** The motion lapses for want of an absolute majority.

*Bills*

## ENVIRONMENT PROTECTION (DISPOSAL OF PFAS CONTAMINATED SUBSTANCES) AMENDMENT BILL

*Introduction and First Reading*

**The Hon. L.W.K. BIGNELL (Mawson) (10:47):** Obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993. Read a first time.

*Second Reading*

**The Hon. L.W.K. BIGNELL (Mawson) (10:48):** I move:

That this bill be now read a second time.

It was very alarming at the beginning of this year when the local people in McLaren Vale found out that our region was set to become the dumping ground for PFAS contaminated substances that would be coming from Victoria, New South Wales and around South Australia and dumped in our pristine food bowl and wine growing region. This is one of the most well-respected, clean, green, wine regions anywhere in the world, and the thought of having this deadly PFAS contamination dumped in our area outraged everyone. We have so far had more than 3,000 people sign our petition.

I have written to the chair of the Environment Protection Authority and said that this is actually a corruption of what the EPA stands for. If it is about environment protection, how can you take these substances from around Australia and dump them in an environment where we do not have PFAS in the sort of concentration that the proponents, ResourceCo, want to dump this PFAS material? The EPA said the proponents have followed all of the rules and they are following legislation and their regulations.

By the looks of it, they stand ready to give this dump the go-ahead to accept PFAS waste from around Australia. That is not good enough. If they say they are going by the rules, we need to change the rules. I am not just going to change them for the people of McLaren Vale. I do not think anyone in this house would want PFAS dumped near the watertables, as they are proposing to do in McLaren Vale. I do not think anyone in this house would want them dumping this near schools or local residences, which is what they are proposing to do in McLaren Vale.

Tatachilla Lutheran College is just up the road and they have 1,100 students. We are building a school for 1,600 students just down the road at Aldinga, and of course we have residents around there as well. The local McLaren Vale Grape, Wine and Tourism Association and many of our great winemakers and wine companies are dead against this. My proposal in this amendment bill is not only to look after the people of McLaren Vale and our local area but to ban the dumping of PFAS material:

(d) in whole or in part in the Greater Adelaide planning region…

(e) within 50 km of land used for the business of primary production; or

(f) within a township [in South Australia] or 5 km from the boundaries of a township.

According to this amendment bill:

PFAS contaminated substance means a substance that contains PFAS in which a concentration that exceeds the concentration prescribed by regulation (which may vary in relation to different substances) for the purposes of this definition…

On our side of the house, the Labor Party is supporting this because none of us think it is right to dump PFAS of this sort of concentration near schools, near residences, in food bowls or near watertables that can be contaminated. PFAS is forever; there is no way to get rid of it. The proponents, ResourceCo, say that their design will last for generations. I am sorry, but is that two generations? Is that three generations? Again, PFAS lasts forever.

This is not the sort of substance we want, in these concentrations, anywhere near our people, our schools, our food, our food manufacturing areas and our food production areas. My son has very elevated levels of PFAS in his system because he ate eggs from chooks that were on the Largs Bay fire station grounds. Firefighters and others who ate vegetables from those grounds also have very highly elevated levels of PFAS. This stuff gets into the system. It gets into the food chain and it is absorbed into our bodies.

I am very worried about the EPA because they did not conduct any real public meetings in McLaren Vale. They said they could not have meetings because of COVID and they could not bring people together. The very week that they should have held a meeting, there was a meeting at the Adelaide Oval for the Liberal Women's Council, which could have had up to 700 people. At the same time, the EPA told our community, 'Come along and we will have a one-on-one session.'

At this session, a representative of the proponent, ResourceCo, was sitting there. Right next to them, in cahoots, was the EPA, and then they had some poor person from SA Health who did not know about the implications of PFAS on the system. It was a bit like parent-teacher night. The individuals in our community who were very concerned went along one at a time and were told by

ResourceCo, 'It's all good, it's all good,' and then the EPA would say, 'It's all good, it's all good,' and then the SA Health person would say, 'We don't know what the health implications are.'

I am telling you that is a bit like the doctors in the 1950s saying that smoking was not bad for you. That was a little bit like the asbestos people in the 1970s saying that asbestos was not bad for you. We are in this place to protect the people who elected us to come in here. PFAS is a massive danger to all our communities.

That is why I do not want to come in here and just get it banned from being dumped in McLaren Vale; I want it banned from every town, from metropolitan Adelaide and from any agricultural lands in our state. I hope we get the support of those opposite because I am pretty sure that the people of King, the people of Colton and the people within all the seats represented by government members do not want this in their electorate either.

I will be writing to the environment minister seeking the government's support on this bill, and I hope we get it because we are the defenders of our environment. We cannot leave it up to the EPA if they are willing to just turn a blind eye to this sort of stuff and say they are following all the rules and regulations. If that is their excuse, we need to change the rules and the regulations and the laws of this state. I look forward to getting the support of the crossbench and those opposite.

Debate adjourned on motion of Dr Harvey.

## HEALTH CARE (SAFE ACCESS) AMENDMENT BILL

*Committee Stage*

In committee.

(Continued from 22 July 2020.)

Clause 4.

**The CHAIR:** For the committee's information, we have amendments to clause 4 in the name of the member for Heysen. When he tabled those amendments, of course, he was the member for Heysen. He is now the Speaker, which adds a layer of complexity to it, so we are trying to sort out what Mr Teague would like to do. I see the Attorney-General on her feet. I gather you are seeking leave to move amendments on behalf of the member for Heysen. Attorney, I suggest you move the first three en bloc to begin with.

**The Hon. V.A. CHAPMAN:** Yes, I am happy to move the first three en bloc. By leave, on behalf of the member for Heysen I move:

Amendment No 1 [Teague–1]—

Page 3, lines 1 to 3 [clause 4, inserted section 48B, definition of *journalist*]—Delete the definition

Amendment No 2 [Teague–1]—

Page 3, lines 4 and 5 [clause 4, inserted section 48B, definition of *news medium*]—Delete the definition

Amendment No 3 [Teague–1]—

Page 3, after line 24 [clause 4, inserted section 48B]—Insert:

> *publish* means to disseminate or provide access to the public or a section of the public by any means, including by—
>
> (a) publication in a book, newspaper, magazine or other written publication; or
>
> (b) broadcast by radio or television; or
>
> (c) public exhibition; or
>
> (d) broadcast or electronic communication,
>
> and *publication* is to be construed accordingly;

I indicate that, essentially, this will undo a provision of the member for Badcoe in her aspect of this bill in another place, which she had at least endorsed. It was an attempt, I think, to clarify the protection of journalists in their general occupation to news mediums to be protected against prosecution for publishing or disseminating material when they might be reporting on an incident in

relation to the behaviour that is sought to be prohibited. There is proposed to be removal of the definitions in relation to the persons who have been carved out to have special protection, and to insert a new definition of 'publish', as follows:

> publish means to disseminate or provide access to the public or a section of the public by any means, including by—
>
> (a) publication in a book, newspaper, magazine or other written publication; or
>
> (b) broadcast by radio or television; or
>
> (c) public exhibition, or
>
> (d) broadcast or electronic communication,
>
> and publication is to be construed accordingly.

The attempt was understandable. Earlier in this debate I canvassed it. It seems, though, on balance that it is a clumsy way to have dealt with the matter and will probably only lead to further complications, so I move amendments Nos 1, 2 and 3 standing in the name of Mr Teague in the interests of ensuring that we have no frustration.

**The CHAIR:** Without any further comments or questions, I will put the amendments. The question before the Chair is that amendments Nos 1, 2 and 3, which have been moved by the Attorney-General on behalf of the member for Heysen, be agreed to. All those in favour say aye, against say no. The ayes have it.

**The Hon. D.J. SPEIRS:** Divide!

**The CHAIR:** A division has been called for, ring the bells.

*While the division was being held:*

**The CHAIR:** There being a division called for on the Health Care (Safe Access) Amendment Bill amendments to clause 4 and there being one and one alone dissenting voice, the ayes have it.

Amendments thus carried.

**The Hon. D.J. SPEIRS:** I move:

Amendment No 1 [Speirs–1]—

> Page 3, after line 34 [clause 4, inserted section 48C(2)]—Insert:
>
> or
>
> (c) engaging in silent prayer within a health access zone.

I will not speak at particular length on this amendment. I have made it clear in the house in my earlier remarks why I believe, for a range of reasons, particularly around freedom of expression, that I need to move this amendment in my name.

The committee divided on the amendment:

Ayes ..... 20
Noes..... 24
Majority..... 4

AYES

| | | |
|---|---|---|
| Brown, M.E. | Cowdrey, M.J. | Cregan, D. |
| Duluk, S. | Ellis, F.J. | Harvey, R.M. |
| Knoll, S.K. | Koutsantonis, A. | Luethen, P. |
| Murray, S. | Patterson, S.J.R. | Pederick, A.S. |
| Piccolo, A. | Power, C. | Sanderson, R. |
| Speirs, D.J. (teller) | Tarzia, V.A. | van Holst Pellekaan, D.C. |
| Whetstone, T.J. | Wingard, C.L. | |

NOES

| | | |
|---|---|---|
| Basham, D.K.B. | Bedford, F.E. | Bell, T.S. |
| Bettison, Z.L. | Bignell, L.W.K. | Boyer, B.I. |
| Brock, G.G. | Chapman, V.A. | Close, S.E. |
| Cook, N.F. (teller) | Gardner, J.A.W. | Hildyard, K.A. |
| Malinauskas, P. | Marshall, S.S. | McBride, N. |
| Michaels, A. | Mullighan, S.C. | Odenwalder, L.K. |
| Picton, C.J. | Pisoni, D.G. | Stinson, J.M. |
| Szakacs, J.K. | Teague, J.B. | Wortley, D. |

Amendment thus negatived.

**The Hon. V.A. CHAPMAN:** By leave, on behalf of the member for Heysen, I move:

Amendment No 4 [Teague–1]—

Page 4, lines 8 to 11 [clause 4, inserted section 48D(2)(c)]—Delete paragraph (c)

Amendment No 5 [Teague–1]—

Page 4, lines 37 to 40 [clause 4, inserted section 48E(3)(d)]—Delete paragraph (d)

Amendment No 6 [Teague–1]—

Page 5, after line 8—Insert:

48F—Offence to publish or distribute recording

A person must not, without the consent of the other person, publish or distribute a recording of a person approaching, entering or leaving protected premises if the recording contains information that—

(a) identifies, or is likely to lead to the identification of, the other person; and

(b) identifies, or is likely to lead to the identification of, the other person as having accessed protected premises.

Maximum penalty: $10,000.

I indicate that these amendments are consequential to the stunningly successful amendments Nos 1, 2 and 3. They are consequential upon the same.

Amendments carried; clause as amended passed.

Title passed.

Bill reported with amendment.

*Third Reading*

**Ms COOK (Hurtle Vale) (11:13):** I move:

That this bill be now read a third time.

**Mr COWDREY (Colton) (11:13):** I rise today to speak in support of this bill at the third reading. I take this opportunity to speak briefly. Given that this is a matter of conscience and one I feel important, I will try to best outline the reasoning behind my position for the benefit of my community. It is also important to note that this issue, the subject matter of this bill, does not address the broader issue of abortion.

The crux of this bill is seeking to allow women to access a legally permissible procedure without undue stress or harm. I took the opportunity to participate at the committee stage of this debate to ask questions on behalf of members of my community and to provide clarity around what would or would not be permissible behaviour within the zone under this bill. I voted in favour of the amendment put forward to this house to explicitly allow silent prayer.

Ultimately, I see no issue with people participating in silent prayer on the provision that they are not adorned in messaging, holding up placards, interacting with women as they enter the

premises or the like. would interpret those sorts of behaviours as falling under the prohibited behaviour provision of the bill, as activities that could be construed as intimidation or harassment. Ultimately, this amendment was not successful. However, I rely on the Attorney's view that silent prayer in itself could not be interpreted as prohibited behaviour in any case.

To paraphrase, the bill provides a restriction on communication in relation to abortion that is reasonably likely to cause distress or anxiety within close proximity to a facility. This is an important distinction that I believe strikes the right balance. It prevents women accessing abortions from being in any way hassled but also does not prohibit, for example, a person praying silently.

Ultimately, my view on the bill is similar to those already expressed by other members of this house. I do believe that the bill strikes the right balance. The bill maintains the right of political communication and does not prevent citizens expressing their political view on the issue of abortion on the steps of parliament, where the use of placards frequently occurs, or in fact 151 metres from a facility.

It does not prevent silent prayer within a zone. However, importantly, it does allow women to access a legally permissible service without fear of undue stress or anxiety, respecting the dignity and the moral choice an individual is free to make. I believe this is a reasonable and balanced view and one that my community supports.

**Ms COOK (Hurtle Vale) (11:16):** I thank all members for their contribution. Whether I agree with them or not, this is a democracy and we are all entitled to bring representations, and so we should, from our community, as diverse as those opinions are. I thank everyone for their contribution. I thank members for their thoughtful amendments and for the engagement that we have had during the process.

Today, we have made the world a much safer place in our community, a much more dignified place for those who seek to access a medical health procedure, sometimes during one of the most traumatic times of their life. Nobody should be exposed to harassment or intimidation at that point. I am very grateful to this chamber for passing this legislation.

The house divided on the third reading:

Ayes ..... 34
Noes..... 9
Majority..... 25

AYES

| | | |
|---|---|---|
| Basham, D.K.B. | Bedford, F.E. | Bettison, Z.L. |
| Bignell, L.W.K. | Boyer, B.I. | Brock, G.G. |
| Brown, M.E. | Chapman, V.A. | Close, S.E. |
| Cook, N.F. (teller) | Cowdrey, M.J. | Cregan, D. |
| Gardner, J.A.W. | Harvey, R.M. | Hildyard, K.A. |
| Luethen, P. | Malinauskas, P. | Marshall, S.S. |
| McBride, N. | Michaels, A. | Mullighan, S.C. |
| Odenwalder, L.K. | Piccolo, A. | Picton, C.J. |
| Pisoni, D.G. | Power, C. | Sanderson, R. |
| Stinson, J.M. | Szakacs, J.K. | Treloar, P.A. |
| van Holst Pellekaan, D.C. | Whetstone, T.J. | Wingard, C.L. |
| Wortley, D. | | |

NOES

| | | |
|---|---|---|
| Duluk, S. | Ellis, F.J. | Knoll, S.K. |
| Koutsantonis, A. | Murray, S. | Patterson, S.J.R. |
| Pederick, A.S. | Speirs, D.J. (teller) | Tarzia, V.A. |

Third reading thus carried; bill passed.

## LOCAL GOVERNMENT (PUBLIC HEALTH EMERGENCY) (RATE RELIEF) AMENDMENT BILL

*Second Reading*

Adjourned debate on second reading.

(Continued from 13 May 2020.)

**Mr KNOLL (Schubert) (11:27):** Mr Speaker, thank you for giving me the call to speak on local government, which is a very important topic, one that, during the COVID-19 crisis, has been key to helping to make sure that our society can continue to function, that those basic and essential services continue to function, and also that councils, as the third tier of government, come onboard and do what they need to do as part of an integrated three-tier government response to help improve and encourage business to survive during this pandemic.

We know that it has been a difficult time for many businesses across South Australia. It was pleasing to hear just yesterday that we now are down to only 7,000 jobs lost since the start of this pandemic. That is in the context of some 850,000-plus people in South Australia working. The fact that the number is so low is cause for very muted celebration. Those 7,000 people and their families, I am sure, do not join us in that celebration, and deservedly so. I think it stands as a testament to the response that all three tiers of government have put together to help deal with the health impacts of the pandemic.

Again, it is something in which local government has had a strong role to play, especially when it comes to the use of environmental health officers, to help make sure that everybody is abiding by the restrictions, especially in licensed and other food premises and the way they have managed to make sure our parks and playgrounds are COVID safe and the fact they have continued to provide those essential services during that time, and also from the economic standpoint, where, as a third tier of government, councils have a huge role to play.

Information and research that has been done has said that almost every single council across South Australia—I think we are now north of either 64 or 68 councils across South Australia—has helped to provide some level of financial or other in-kind relief to businesses and households right across South Australia. We think that that is a fantastic outcome and a great example of the local government sector working with the state and federal governments to help improve things. With those few remarks, I seek leave to continue my remarks at a later date.

Leave granted; debate adjourned.

*Motions*

## STATE ELECTRICITY NETWORK

**Mr TRELOAR (Flinders) (11:30):** By leave, on behalf of the member for Morphett I move:

That this house—

(a) recognises that 28 September 2020 marks four years since the statewide blackout in which almost all of South Australia lost power;

(b) acknowledges the failure of the former Labor government to secure the state's electricity network, resulting in the loss of power to over 850,000 customers, including to hospitals; and

(c) highlights the commitment by the state Liberal government to build a new high-capacity interconnector, connecting South Australia and the National Electricity Market.

The previous government's rush to renewables without sufficient planning not only saw wholesale electricity prices soar in South Australia but also left our grid vulnerable. The huge, unmanaged growth in household and large-scale solar and wind power under Labor, combined with its disorderly closure of the Northern Power Station, meant our grid was left without sufficient base load power, making it extremely susceptible to shocks.

The irony did not escape those on the West Coast: the very day that the stack was brought down at Port Augusta, the power went out in Streaky Bay. The two incidents were not related, but the irony did not escape people. At that point, Streaky Bay was suffering regular power outages. I

will come back to that because we all know that the Far West Coast is on the end of the grid and there are other things to take into account there.

At the time, the government had failed to make sure that South Australia had sufficient base load generation to keep prices down and the lights on. South Australians experienced the worst possible consequence of this mismanagement when the state was plunged into a blackout on 28 September 2016. It was a significant storm that caused a number of towers to come down in the Mid and Upper North of South Australia, which had a knock-on effect and effectively took out the state's power supply for a period of time. The blackout lasted for a number of hours in some areas and for several days in other regions, including on Eyre Peninsula.

For those of us who were sitting in parliament at the time, we all remember when the power went out and we had to adjourn our proceedings in this very chamber, for no other reason than Hansard were unable to make effective recordings of the day's proceedings. The lights were out. We had emergency generators, of course, but without Hansard there was no parliament. I do remember stepping out onto North Terrace at about 6pm in September and sensing a rather eerie feeling on that particular day when the entire city was blacked-out and people were attempting to make their way home in the evening without streetlights or traffic lights. Fortunately, we managed to do that but it was really quite eerie and a change from the normal situation.

As far as the West Coast and Port Lincoln go, Port Lincoln finished up being out of power for three days; that is my recollection. Areas inland on Eyre Peninsula were out for four days and I believe some areas went up to five days without power. The saga in Port Lincoln was exacerbated because we had in place three emergency generators, and I note the member for West Torrens is nodding. He is fully aware of this and we discussed it at the time.

Unfortunately, those generators failed to start. They failed to do what they were employed to do, and that is kick in to provide emergency power generation for the City of Port Lincoln. Had they functioned as they were supposed to, as they were contracted to, Port Lincoln would have hardly noticed that the power was out. I am honestly not sure what the result of that situation was. I assume that today those generators would be in a workable state. We do not know that. I am assuming that. We assumed it last time. As I said, had those generators worked, Port Lincoln would have hardly noticed.

Three days in I sensed the beginnings of panic amongst some of the population of Port Lincoln. There were line-ups, many hundreds of metres long at fuel outlets, with people wanting to fill up their car. Of course, that was difficult to do without electricity. There was no cash available; ATMs were out. It even got to the point where the water supply to the city was under some pressure because the electric pumps were not able to work and people were stockpiling water.

Most significantly, what happens in these extended power outages is that communications disappear. The mobile phone towers go out and the battery backup for the mobile phone towers goes out. Phone communications become unavailable and internet communication becomes unavailable and, of course, we all know how important internet and phone are these days.

Another thing that strikes home is how critical electricity is to our modern life. At the risk of giving my age away, I am old enough to remember as a boy in the far west of the state that we were connected to the state grid. For the first time in my parents' life and my grandparents' life, we had a mains power supply in the late 1960s. Life has changed significantly since then but we have come to a point where we absolutely cannot function as a modern society without electricity.

Business SA at that time claimed that the statewide blackout cost businesses $367 million over the period of one, two or three days. This government's intention is to make our energy supply more reliable, more affordable and cleaner. We are delivering an interconnector with New South Wales to access cheaper base load power to allow us to export our abundant renewable energy and develop renewable energy zones along the route—a significant piece of investment in infrastructure.

We will also be rolling out the largest per capita Home Battery Scheme in the world with $100 million worth of subsidies for households to purchase home storage systems. In its own quiet way that helps to protect the grid itself. We will deliver our $50 million Grid Scale Storage Fund which will accelerate the rollout of grid-scale energy storage infrastructure and address the intermittency of South Australia's electricity supplies. We will also deliver $30 million for demand management trials

that can show how new and distributed technologies can make the grid more efficient and reward customers for managing their own demand. This is a significant shift in the way our electricity grid is managed.

The interconnector to New South Wales, known as Project EnergyConnect, has been deemed critical and a No Regrets project by the Australian Energy Market Operator to address the legacy of blackouts. Project EnergyConnect will stabilise the grid, helping to support the continued take-up of household solar by South Australians, particularly rooftop solar. Home rooftop solar, but also on sheds and small businesses, has seen a significant take-up in South Australia, and it has been a good thing, but it needs to be managed so that it does not cause problems with the larger grid. It will also create jobs and unlock further investment in renewable energy projects along the route of the interconnector.

The recent announcement from the ACT government to invest in the first stage of Neoen's $3 billion Goyder project near Burra is an example of the type of investment this interconnector will secure for South Australia. There are many projects waiting in the wings for the interconnector to go ahead. The interconnector with New South Wales will supplement the two existing interconnectors running from South Australia into Victoria, the major interconnector being the Heywood interconnector running from the South-East of South Australia into Victoria and vice versa, and the other one being in the Murraylands, also into Victoria.

Significantly, the interconnector with New South Wales will become a crucial project, and it will deliver cheaper energy for South Australians, possibly an average saving of $66 per household and much more for small businesses. I have pleasure in moving this motion. It is significant, it is important, and the interconnector itself is a big part of securing our energy security into the future.

**The Hon. A. KOUTSANTONIS (West Torrens) (11:41):** Governments during crises have important work to do. This government have found the time, energy and effort to move a motion to talk about an event that occurred in 2016. Why? Is it because they are concerned about what happened in 2016, or is it simply base political motives? I suspect it is pettiness from a government bereft of their own ideas, bereft of their agenda.

Without COVID, they have no real reason to exist. They have no agenda, no economic agenda. They have no health agenda, no education agenda. Their entire process of this term has been to continue the work of the former Labor government and attempt to claim it as their own. But they have some of their own ideas.

*Members interjecting:*

**The SPEAKER:** Order, member for Chaffey!

**The Hon. A. KOUTSANTONIS:** I sat silently, sir, while I listened to the dulcet tones of the member for Flinders talk about someone else's motion. I did so politely because he is a gentleman of the parliament. This motion is a stunt, but I will address some of the matters raised by the member for Flinders. He is absolutely right about one thing: the generators that were contracted to support Port Lincoln failed. Let's think about that. Private contractors were tasked with the service to provide an essential service to the people of the member for Flinders' electorate, and they failed. The consequence was, according to the member for Flinders, panic, anxiety and discord.

How did we get to this point, where an essential service like electricity is in the hands of boardrooms in foreign nations? We had an electricity supply that was reliable and cheap. Members opposite say that the Northern power station was such a critical piece of infrastructure as to maintain the backbone and spine of our energy security. They was so enamoured by it that they sold it—they sold it.

After they sold it to private interests, who relied on a brown coalmine to operate Northern, through their love of the Northern power station and the Playford units they sold it to a foreign company. Of course, after it was sold initially it was sold again and again through iterations of bankruptcy and administration, because they could not make it work because it is an essential service.

Of course, when you privatise a system like ETSA and you leave a coal-fired generator and a gas-fired generator to compete each other against each other in a market like South Australia, the obvious occurs. The then Treasurer knew the outcome would be that Northern power station would be unable to peak its energy supply. People deliberately did not contract with Northern because they knew that Northern had to operate regardless of its manufacturer of electricity being a coal-fired base load generator, so they simply got a free ride on the back of it, hoping that Northern would always be there without actually buying power from them.

The South Australian government at the time realised this—that is, the then Labor government—and I as Treasurer made sure we bought all our power from the Northern power station to try to maintain a level of support for that power station. Of course, BHP did not. They did not contract with Northern. They were offered a long-term contract of $60 per megawatt hour for 10 years for the life of their coal reserves, and BHP made a decision not to. Why? They calculated that Northern would continue to operate, lowering prices, and therefore operate at a loss and, therefore, they could buy on the spot market cheaper.

That was a stupid decision and South Australian companies in the wholesale market pre COVID were buying electricity at extraordinary prices, that is, expensive prices. Northern was set up to fail by the privatisation of ETSA, pure and simple. When it collapsed, every time I heard a member of the opposition or Liberal Party complain about it, it made me wonder if it was so important to them, why did they sell it and allow it to be in the hands of foreign owners or private equity? Why, if it was such an important, essential asset?

Let's then go to the transmission and distribution lines, a cost that the taxpayer had already paid for and built. I will divide that into two aspects: let's maintain Eyre Peninsula and Upper Spencer Gulf, people who are relying on swell lines for their power. Let's talk about the quality of power people on Eyre Peninsula are getting from their distribution and transmission lines. How many times have people on Eyre Peninsula written to members talking about the quality of the power they receive, the damage it does to their compressors and their refrigerators, and the damage it does to industrial uses on Eyre Peninsula and in regional South Australia because the quality of power is so poor?

Do you know why? There are 860,000 people or thereabouts connected to the NEM in South Australia, and we are one of the largest landmasses in the world to have a long, skinny grid with some of the lowest numbers of customers. That is why you do not sell it to a private company. That is why you keep it in public ownership—because the only way you can make money to support such infrastructure as a regulated monopoly is to charge extraordinary amounts of returns on that investment by a private monopoly.

What has happened in return? SA Power Networks, in buying our distribution network, has made more money out of this one investment than all of its other investments. South Australia is the most profitable place that its Hong Kong-Chinese owners have invested in. What does that tell you about that deal? What does that tell you about that privatisation? Let's then go to the transmission lines, again paid for by South Australians, sold again for a pittance to a regulated monopoly again making massive returns. At one stage, they were owned by the Queensland government; they knew what they were doing.

I have heard members opposite lecturing us about electricity. Yes, the statewide blackout did occur. Statewide blackouts occur on average about every 50 years. Unfortunately, South Australia had its in 2016 and its impacts on reputation were damaging. The government responded with an energy plan that overwhelmingly transformed the reliability of the electricity market in South Australia. Since the implementation of that energy plan in 2016, we have seen the grid stabilise.

But the government has another plan now to build another interconnector to New South Wales. The AER has warned Australia about this interconnector. It says, 'If you build this interconnector, the costs as contemplated are at their maximum range allowable for it to be a regulated asset.' hat is, if it costs any more, you have to find money from somewhere else. The cost-benefit analysis does not stack up.

But we were promised that this would be operational before the next election. Now we are being told it will be operational after the next election. My instincts are, from what I have seen, that

they are short: they do not have the money, costs have blown out and the government is using taxpayers money to try to invest in an asset they will not own.

This is not like investing in a road or a building or a hospital or a school or infrastructure that is No Regrets. This is investing in an interconnector that will be owned by foreign interests, using taxpayers' money. If the experts are right and this interconnector is built, it will see the closure of most of South Australia's thermal generation. The minister argues that is not true, that the reports are wrong. The minister argues that will not occur, cannot occur. I think he is wrong because I believe the experts, not him.

He is also banking on an investment rush of renewable energy if we build the interconnector. That defeats the purpose of renewable energy. We want renewable energy to be oversupplied so we can use cheap power here for our industrial means, not to meet the requirements of New South Wales and other states. We want that spilled energy here to make hydrogen, here to be stored in batteries, here to be used to pump hydro, here to be used in heavy industries, not exported to New South Wales. That is why we want an oversupply of renewable energy. This is a stunt, and the member for Flinders is far too dignified to have himself cloaked in such an appalling, petty stunt orchestrated by the minister.

**Ms LUETHEN (King) (11:51):** In March 2018, the Marshall Liberal government was elected to office to represent the best interests of people in South Australia. We were elected on our platform to create more jobs, to lower the costs of living and to deliver better services, and that is exactly what we are delivering, especially when it comes to energy policies. We are fixing the shambolic mess, instability and accelerating energy prices that we inherited from the former government. We are delivering practical outcomes to lower the costs of living with power bills for South Australians and to provide a better service and more secure network.

We should take a moment to recognise that 28 September 2020 will mark for us four years since the statewide blackout in which almost all of South Australia lost power. This was certainly a very dark day in our state's history. The previous Labor government's rush to renewables without sufficient planning not only saw wholesale electricity prices soar in SA but also left our grid vulnerable, and the huge unmanaged growth in household and large scale solar and wind power under Labor, combined with its disorderly closure of the Northern power station, meant our grid was left without sufficient base load power, making it extremely susceptible to shocks.

Labor failed to make sure South Australia had sufficient base load generation to keep prices down and keep the lights on. South Australians experienced the worst possible consequence of this mismanagement when the state was plunged into a blackout on 28 September 2020. The blackout lasted from a number of hours in some areas to several days in other regions, including Eyre Peninsula. Business SA claimed the statewide blackout cost our businesses in South Australia $367 million.

It is important to acknowledge the failure of the former Labor government to secure the state's electricity network, resulting in the loss of power to over 850,000 customers, including hospitals. However, unlike the Labor Party, our Marshall Liberal government has a plan to make our energy supply more reliable, affordable and clean. Cost-of-living pressures, including power prices, were a major concern raised with me by my local residents in King. It continues to be a major concern, with lots of questions coming through, and that is why I am advocating for every measure possible that will lower the cost of living in South Australia.

To address cost of living in terms of power price reduction, ESCOSA recently released its annual update of energy retail prices, showing that the average South Australian residential market offer for electricity was reduced by $96 in 2019-20. This was on top of an average $62 fall in household electricity bills during 2018-19. Therefore, this has resulted in a delivery of $158 in savings during the last two years under the Marshall Liberal government.

This $158 in savings that our Marshall Liberal government has delivered in our first two years in office is a stark contrast to the $477 increase by the Labor Party in its final two years in office. On top of this, with the interconnector, this will result in an additional $66 saving for households and much more for small businesses. Our Home Battery Scheme is also reducing power costs for both

the households that install the subsidised batteries and the rest of South Australian consumers. We are on track to deliver on our promise to cut electricity bills by $302 during our first term in office.

We have also delivered many other cost-of-living reductions including saving an average $200 a year on the cost of water, $160 on ESL bills, with more to come, and $100 per vehicle in reduced car registration costs through lower CTP insurance premiums. I know this means a lot in my electorate, because many people have more than two cars in their driveways. We have also abolished payroll tax for small businesses and delivered land tax reforms and savings. We came to government promising real cost-of-living relief for South Australian households and that is precisely what we are delivering.

In terms of delivering a better service and a more secure network, we are delivering an interconnector with New South Wales to access cheaper base load power, which will allow us to export our abundant renewable energy and develop renewable energy zones along its route; rolling out the largest per capita Home Battery Scheme in the world, with $100 million in subsidies for households to purchase home storage systems; delivering our $50 million Grid Scale Storage Fund, which will accelerate the rollout of grid-scale energy storage infrastructure and address the intermittency of South Australia's electricity supplies; and delivering $30 million for demand management trials that can show how new and distributed technologies can help make the grid more efficient and reward consumers for managing their own demand.

The state Liberal government is committed to building a new high-capacity interconnector, connecting South Australia and the National Electricity Market. The interconnector, or Project EnergyConnect, has been deemed critical and a No Regrets project by the Australian Energy Market Operator to address Labor's legacy of blackouts. The interconnector will stabilise the grid and this in turn will help to support the continued take-up of household solar by South Australians.

The interconnector will also create jobs and unlock further investment in renewable energy projects along its route. The recent announcement from the ACT government to invest in the first stage of Neoen's $3 billion Goyder project near Burra is an example of the type of investment the interconnector will secure for SA. There are many projects waiting in the wings for the interconnector to go ahead. This crucial project will also deliver cheaper energy for South Australians, with an average $66 saving for households and much for small businesses.

So far, the Labor Party members are the only people who are not supporting the interconnector. The minister asked for their support in this house only yesterday and urged them to get on board as lower costs and stability are what South Australians are asking for. I urge those opposite to stop standing in the way of cheaper, cleaner and reliable electricity for South Australians.

Mr Speaker, thank you for the opportunity today to speak to this motion, to compare and contrast how we are securing a stable state electricity network and to remember, regrettably, how the opposition drove up the cost of living for South Australians. Thank you for the opportunity to discuss what the Marshall Liberal government has done, and continues to do, to provide better services to secure a stable electricity network and what we are doing to reduce the cost of living for South Australians. We are not there yet, but we are working very hard every day, and I thank the Minister for Energy and Mining for the work he is doing and his leadership in this space.

Just before, the member for West Torrens said today, 'How did we get to this point of a statewide blackout?' I hope my speech today has shed some light on that. I thank the Minister for Trade for raising this motion and encourage all members of this house to support it.

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (12:00):** I thank the member for King for her well-researched and well-presented contribution. I also rise to support the motion—initially from the member for Morphett, now the Minister for Trade and Investment—moved very well today by the member for Flinders.

I am in strong support of this motion and reject almost all that the former Labor government minister, now shadow energy spokesperson, said. Those opposite would have us believe that when ETSA was sold—I think it was about 22 years ago now—it meant that the statewide blackout was inevitable and unavoidable. That is not the case.

Another thing that was said in the contribution of the member opposite was that statewide blackouts happen on average once every 50 years. I do not know how many commentators we all heard talk about that statewide blackout four years ago as the first one ever in South Australia. We do know that South Australia has been around a lot longer than 50 years, a lot longer than 100 years, longer than 150 years, so that average is not right either.

Those opposite would have us believe that this statewide blackout was inevitable and that it was just their terribly bad luck to be in government at the time it came along. What a ridiculous argument. The statewide blackout was a tragedy for our state.

I work my guts out every day, as do people in my office and as do people in the department, as do people in industry, to do everything we possibly can to make sure it never happens again. Can we guarantee that? No, there are no guarantees. Have we achieved it so far? Yes, we have. In 2½ years of government we have seen no forced load shedding to electricity customers in South Australia—in stark contrast to the very regular occurrence of forced load shedding under the previous government.

In our 2½ years of government we have seen electricity prices come down, as has just been explained by the member for King. Independently assessed by ESCOSA, in just the last two years there has been a $158 decrease in the cost of electricity available to South Australian households—in stark contrast to the $477 increase those same households suffered while also suffering through blackouts in the last two years of the previous government.

We are doing everything we possibly can to make things better. Our whole government is focused on reducing the cost of living and that burden to South Australia, and my work—not exclusively, but largely—is in the energy space. We are making things better.

The member opposite, the Labor opposition's energy spokesperson, talked about the Northern power station closing. The Northern power station was always going to close at some time in these years, and that had been known for 10 or 15 years ahead. The coal was starting to run out; it had not run out, but the quality was reducing up at the mine at Leigh Creek. The power station had an enormous amount of maintenance done to it, but not everything that would be needed to see it operate for another 10 or 20 years.

We also know that we are moving into a transition away from fossil fuels and towards renewable energy. Gas is going to be with us for a long time to come; less and less gas in electricity generation over time, but it will be with us for a long time and we will be glad to have it. However, we are certainly moving away from coal, and I think that most people are pleased that we have moved away from coal. But what a lot of people do not know is that Alinta, the operator of the Northern power station, offered that if the former Labor government could contribute $24 million towards the cost of operating that plant over three years they would keep it running and it would support South Australia.

Those opposite turned that offer down so the power station closed sooner than it needed to. It did need to close but it did not need to close when it did. If it had operated for one or two or three years longer we would have been in a much better place in South Australia to have a well-planned, well-managed transition away from fossil fuels towards renewable energy.

As it was, South Australians were pushed over the cliff by the previous Labor government just for the former Premier's populist, and no doubt he believed deeply himself, personal desire to get as much renewable energy in South Australia as possible. Renewable energy is fantastic, everybody wants it, myself included, but renewable energy is only valuable when it is available.

The current Premier, then Leader of the Opposition, and I said to the former government for years, 'Sure, get more wind farms and get more solar farms, but there's a point beyond which you cannot go until you do two things: you start to get the energy mix right and you have a significant amount of grid-scale storage to help you through the vagaries of weather.'

Do not worry about what I or the then Leader of the Opposition and now Premier said; the former Labor government paid for, with taxpayers' money, independent external advice asking about whether they should increase their renewable energy target back at the time. I am now going back I

think to 2009, when the government paid for two independent consultancies to get advice on whether they should increase their then renewable energy target from 25 per cent to 33 per cent.

Guess what, Mr Speaker? Both those consultancies said, 'Don't do it. You will lose system strength. You will put the grid at risk. You will put prices up. Do not do it.' Guess what they did? They did it anyway. After being at 33 per cent renewable energy penetration target, they went to a 50 per cent target and then, at the last election, they had moved on to a 75 per cent renewable energy target for South Australia without a word until their last stage in office. After they were woken up by the statewide blackout, then they started to talk about storage, then they started to talk about having backup supplies.

This was not something that was just coming in: it was terribly bad luck that the Labor Party was in government at the time, as those opposite would have us believe, based on the shadow minister's contribution—it was just going to come 20 years after ETSA regardless; it was just going to come every 50 years regardless. What rubbish, what absolute rubbish.

We have to get the mix right. We need to have a smart combination of wind and of sun, both large-scale solar and small-scale solar and large-scale storage and small-scale storage. We have about 270,000 homes in South Australia with solar on them now. We are heading towards tens of thousands of homes with small-scale batteries, household batteries. We have four grid-scale batteries operating in South Australia now. These are the things that allow us to have more renewable energy generated.

We are working hand in hand with industries, with academic institutions and with key stakeholders, and they all agree that interconnection is another key component of what South Australia needs—every one, except the South Australian Labor Party. Even Labor governments interstate support this but not here in South Australia, unfortunately, and it is time—they should just get out of the way.

If they cannot bring themselves to believe the expert advice coming from all corners, from gas-fired generators all the way through to Greenpeace at the other end of the spectrum, if they just cannot find it in their hearts to agree with what people are saying and what experts are saying, at least they should just drop their opposition. It was their opposition and what they did when they were in government that meant that South Australian households and businesses, from the smallest one-person household all the way through to the largest employers, which are some of the largest electricity consumers, were all punished by the previous Labor government's energy policies. They were punished with ever-increasing prices and more and more frequent blackouts, including the unprecedented statewide blackout.

The actions of those opposite have put South Australia in a precarious position. We remain in a very precarious position. We remain in a terribly challenging situation with great risks to our grid, but we are working through it sensibly, and we are bringing consumers and suppliers with us in a sensible way.

**Mr PEDERICK (Hammond) (12:10):** I rise to speak to this motion that was introduced by the member for Flinders:

That this house—

(a) recognises that 28 September 2020 marks four years since the statewide blackout in which almost all of South Australia lost power;

(b) acknowledges the failure of the former Labor government to secure the state's electricity network, resulting in the loss of power to over 850,000 customers, including to hospitals, and

(c) highlights the commitment by the state Liberal government to build a new high-capacity interconnector, connecting South Australia and the National Electricity Market.

It is interesting because we were here on that day in September 2016 when the lights literally went out on South Australia. Forever after that, we were the butt of jokes not just interstate but internationally: a whole state lost power. The reason we lost power was the former Labor government's headlong rush into renewables without making sure the necessary interim power supply, the transition power between coal and renewables, was in place. We already know that gas

supplies a lot of power in this state. A lot of gas comes from the Cooper Basin and some of it obviously comes from the South-East and interstate. It is a great source of power, and gas is a fantastic transition fuel.

I note what the minister said about Alinta's deal in regard to the $24 million. If that had been put up by the previous government, it would have kept Port Augusta going for three years. What you have to understand is coal-fired power was up against heavily subsidised renewables. This is one of the main reasons that it could not compete. What happened with that sudden closure of Port Augusta, alongside the coalmine at Leigh Creek, was that around 650 jobs disappeared virtually overnight. A lot of those workers who lost their jobs would have been union members. These are the unions that support the labour movement. I would have loved to have heard the conversations in the smoko rooms when this decision was made.

As I have said in the past in this house on this issue, my father-in-law, Richard Abernethy, used to work at the Port Augusta power station. It was a disgrace to see this headlong rush, based on pure ideology, into renewables and starve the state of a stable base load power source. I do love going up north regularly. I try to do at least one trip a year, and I see Leigh Creek most of those years. Sadly, it is a shadow of its former self. Leigh Creek is a town that had to be moved because of the expansion of the coalmine decades ago, yet we see that that coalmine still would have had probably enough coal for at least 10 years to supply Port Augusta with more interim, transition fuel. Base load power gas stations could have been implemented for the future transition to renewables.

This is where we get to the interconnectors in this state. We already have Murraylink, which heads up through the Riverland, and the Heywood interconnector, which interconnects with Victoria with hundreds of megawatts of interconnection capacity. This is absolutely vital so that we can trade what is essentially a lot of our renewable power, whether that be solar or wind, to go to Victoria. That connects up through Victoria, New South Wales and Queensland, and we can bring back other generation, including coal, as it is still part of the vital mix to keep Australia fired up.

We have seen what has happened in recent times and with policy changes. South Australians have been smart: they have looked to the future and installed solar panels on their houses, whether they are doing it to feel good about being green or they are doing it for their wallet. It might be a bit of both. I have 14.1 kilowatts of solar panels on both of my houses, generating power at home and at the farm. I could only have five kilowatts of power on a single wire return generation because that was the maximum limit.

Into the future, we need this interconnector with New South Wales. The Australian Energy Regulator rates it as a No Regrets policy. It is a No Regrets policy to build this interconnector into New South Wales because it will stabilise the grid. We have had a lot of rooftop solar put in on properties—whether on commercial warehouses or private homes—and a lot of commercial solar farms are rising up throughout our electorates. I have had a couple of big ones up around $100 million and I have another big one, which is likely to be put together very shortly, for several hundreds of millions of dollars.

We need to balance that input. That is why there was a recent policy change on new solar installations on homes. They may—and I stress 'may'—have to be switched off for very limited amounts of time when there is too much solar power going into the grid. This is for the simple reason that we need to have stability in the grid. I commend the Minister for Energy (member for Stuart) because we are putting stability in the grid, which is what Labor did not do and subsequently caused the blackout four years ago.

It was disgraceful; we had one incident and the power dropped out for the whole state. Back in the day, from what I understand, it was set up in five segments so that you would not lose the whole state. We did not have that base load power generating in the background so that did not happen, and as soon as there was a slight hiccup everything fell over. Adelaide was gridlocked. You could not get across the mile of the city in under an hour because obviously the lights were out. It was like a scene from *Apocalypse Now* or something. If people did not have backup generators, it was black. It was black not just across the City of Adelaide—and we were here because we were sitting—but across the state.

Apart from costing nearly than $400 million—that is one figure—to business in this state, it put lives at risk, it cost embryos when there was a generator failure at one of our hospitals and it caused a lot of distress. I note that in the member for Flinders' electorate it took days and days to get power restored in that area.

What we are doing is delivering this interconnector to New South Wales, rolling out the largest per capita Home Battery Scheme, delivering $50 million of grid-scale storage and delivering $30 million for demand management. The interconnector, Project EnergyConnect, is that vital link so that we can deliver on the expert way in which we deliver power from this side of the house.

As the minister said, the lights have not gone out under a managed situation ever since we have been in government, whereas all that the Labor government delivered was darkness to this state, and I say that not just in regard to power. I commend the motion.

**Mr TRELOAR (Flinders) (12:20):** I would like to thank all those who have spoken here today on this motion initially brought to this place by the member for Morphett. The member for West Torrens, of course, gave a potted version of the state's history, and the member for King also spoke as well as the Minister for Energy and Minerals. Interestingly, that portfolio has changed its name slightly: it was mining and energy; it is now energy and minerals, which just highlights the importance that this government puts on energy security and energy supply in this state.

The member for Hammond also gave a perspective, which highlighted the importance of the interconnector to New South Wales, and the security and opportunity that will bring to this state. There is no doubt that everybody in this place and throughout the state remembers that significant day on 28 September 2016 when the lights went out in the whole state.

We all remember the storms that brought the towers crashing down, but we should not have ever been in such a vulnerable situation as to have the resultant outage throughout the entire state. I thank those who spoke to the motion, and I commend the motion.

**The SPEAKER:** The question is that the motion be agreed to. The ayes have it.

Motion carried.

**The Hon. Z.L. BETTISON:** I would like to call a division.

**The SPEAKER:** The member for Ramsay is a bit late. I have put the question. The question has been determined.

*Parliamentary Procedure*

## HEALTH CARE (SAFE ACCESS) AMENDMENT BILL, DIVISION LIST

**The SPEAKER (12:22):** Before I call on the next motion, I advise the house that during division No. 3 on the Health Care (Safe Access) Amendment Bill, the Attorney-General was erroneously recorded as voting both for the ayes and noes. The lists have been corrected to show the Attorney voting for the noes only, the result being 20 ayes and 24 noes.

*Motions*

## WORLD TOURISM DAY

**The Hon. Z.L. BETTISON (Ramsay) (12:23):** I move:

That this house—

(a) acknowledges that 27 September 2020 is World Tourism Day;

(b) acknowledges the importance of tourism for the culture and economy of South Australia; and

(c) condemns the Marshall Liberal Government's cuts to tourism, which will have negative consequences for the visitor economy.

Tourism is important to South Australia because it allows people to experience our state at a much deeper level. Whether it is a local exploring their own backyard or someone visiting from a business or for a leisure event or an international or interstate arrival, tourism promotes our state to the world. It is a major driver of jobs, business creation and investment. As we approach World Tourism Day

this Sunday, I rise in support of this very important industry. We, on this side of the chamber, believed in its potential. We attracted new direct flights to key markets.

We invested in marketing and promotion and backed our local events. That is why it was such a shock and disappointment that this government was so quick to make cuts to this sector. Prior to the bushfires and COVID-19, this government cut $23 million from the tourism budget. The return on investment for this portfolio is patently obvious. The role of government in this sector is quite simple: tell people that we are here. Tell them about South Australia. Let them know about us and make it easier for them to get here: do not just know about us but get here as easily as possible.

These cuts represent more than simple monetary implications. They represent a very real and tangible outcome for the future direction of the industry. Tourism operators rely on strong promotional campaigns to drive demand. They rely on infrastructure investments, development of local events and access routes via air, sea and land. What they do not rely on is the very sad and very depressing 'old mate' campaign.

Around the world and around the nation, we are seeing very proactive responses from governments responding to this economic crisis. Now is the time for governments to step into the breach and deliver real economic leadership. It is about providing some form of credible economic stability in a very volatile environment. While the recent border opening announcements are welcome, we should not be led into a state of complacency that the visitor economy does not need any more support. Let's talk about support. Let's talk about the South Australian government response because I have had many tourism operators reach out to me as the shadow minister for tourism questioning the strategy of this government to provide extremely selective support to certain aspects of this visitor economy.

Let's remind ourselves about the diversity of the visitor economy. It covers businesses, from travel agents to tour operators, accommodation providers, hotels, B&Bs and cute little glamping outfits. It is very wide—airlines, ferries, buses, coaches, restaurants, cafes and nature experiences, and the list goes on.

The pain that is being felt by these businesses and their workers is real. I have had many a grim conversation with people who put their blood, sweat and tears into building up their business, putting the family home on the line, and were at a point where they were doing really well. Overnight, it all ended, particularly for those people who built up a quality product, a quality service, often in our regional areas for our international market. They worked incredibly hard to make sure that what we were offering was going to maximise that visitor experience, and people were willing to pay for that quality.

I have talked to many providers, whether they take people up to the Barossa, whether they experience the beauty of Port Lincoln and the surrounds, or whether they take them up to Ceduna for the whale watching. Their businesses stopped overnight. We should be backing them up as much as we can, but instead this government throws obstacles and makes excuses to wash their hands of providing support.

To the hospitality workers of the Adelaide Venue Management Corporation: the Marshall Liberal government failed to ensure that you were supported through JobKeeper and failed to provide an alternative support. To the micro and small businesses of the industry (we are talking about 90 per cent of employing tourism businesses that are small and micro): the Marshall Liberal government thinks you can afford tens of thousands of dollars to access their Tourism Industry Development Fund scheme.

To the small accommodation providers and other tourism operators: the Marshall Liberal government thinks you should not be eligible for their tourism voucher scheme. To the regions: the Marshall Liberal government has said, 'You're not equal to the CBD and North Adelaide. Your accommodation providers can get half the tourism voucher of Adelaide and CBD'. What an insult!

We go around talking about the visitor economy, we build it up, we know people spend 42 per cent in the regions—people love the regions—and South Australians have embraced it, but what does it say to our regions when we say that that voucher is half of what you can get if you stay

in a hotel in the Adelaide CBD? I do not know what they are thinking. Why is this government picking winners, why is it picking favourites, when it comes to supporting small family businesses?

When I look at the global response to COVID, the United Nations has looked at what different governments have done. Many reacted in the same way: national lockdowns and travel restrictions—that was their reaction. They prioritised the health of the people of their nation. But then they looked at how they can respond. They looked at fiscal policy, they looked at jobs policy and they looked at how they were going to restart tourism as well.

In Australia, we saw the freezing of bank loans for six months, a series of waivers and deferrals, charges and fees, tax concessions and a moratorium on the termination of leases. I have had many conversations with people who have said that these decisions enabled them to hibernate in the belief that they may well be able to survive this pandemic. We can look proudly at the ability of the focus on jobs—JobKeeper, JobSeeker—which enabled the cash flow to continue into businesses. We know in South Australia that 94 per cent of the tourism industry is on JobKeeper. Every conversation I have tells me that without JobKeeper it would have all ended back in April, so I recognise that.

What I also recognise is that JobKeeper was focused on the connection to the workplace to continue. Particularly when I have spoken to regional tourism operators, they are worried about losing skilled employees. Employees have almost became family to them, and they have invested in them; they have developed the business with them, have the corporate knowledge and are trusted to deliver the high services that are required, so that has assisted here.

But I also look around the world and across the nation to see what else people have done. I have looked as far afield as Estonia, which started to test one of the world's first digital immunity passports, created by a team of founders of global tech startups. The digital immunity passport collects testing data and enables people to share their immunity status with a third party. This is the type of innovation we need to hear. We do not need to hear about restricted vouchers or funding programs that hardly anyone can afford because they do not have nearly $50,000 lying around and have used up all their cash flow just trying to survive.

We know that tourism vouchers have been issued by many governments. We know that they have been implemented in Italy, Iceland, Lithuania, and the Republic of Korea. Of course, we only need to point to the north to see here that the Northern Territory and the south of Tasmania went out with holistic tourism vouchers—generous tourism vouchers—because they understood how important this industry is to us.

Tourism is a labour-intensive industry. More than 40,000 South Australians are employed within the visitor economy; more than 18,000 businesses are involved. This is crucial for South Australia. The NT gets it. They put up a $200 voucher. The opposition, being constructive in this time of a pandemic, said to the Marshall Liberal government, 'Let's do what the NT are doing.' That was in June. So we have had June, July, August, and here we are in late September and we come out with a restricted tourism voucher that says to the regions, 'You're not as important as Adelaide.' It says to operators of attractions and experiences, 'We're just focusing on accommodation, and we are only focusing on the big end of town that has more than 10 rooms.' It is just not good enough.

What we need to do is stimulate demand. Often people are just surviving. Many times the conversation with me has been, 'Zoe, I am really not sure if we are going to get out of this. Two of my staff, three of my staff, have gone off and got other jobs and they have said to me that it is because there is not enough certainly in this sector.' Not good enough. Once they leave the sector, how hard is it going to be to get them back? We should be fighting for this industry. We should be fighting for those small businesses and microbusinesses that have laid everything on the table to develop this industry, to develop their business. While JobKeeper has gone a long way, it is simply not enough.

We need to stimulate the demand. We need to create incentive for intrastate and interstate travel to South Australia. The Tourism Industry Development Fund, while welcomed, as I said, misses the mark for small and micro tourism operators because it is a 30:70 per cent investment—not fifty-fifty. So the government will put in 30 per cent, but the operator has to find 70 per cent. I

spoke to someone yesterday who said, 'I have done seven tours in five months. There is no cash flow.' How on earth do you think these businesses can find a lazy $40,000?

We say to this Marshall Liberal government: take the opportunity to extend that fund. Be realistic about who needs support and do that now, and look to other areas for ideas. This week, the NT Summer Sale campaign went out. It is a $5 million campaign and it is going to offer consumers a discount of up to a maximum of $1,000. We condemn the cuts.

**Mr KNOLL (Schubert) (12:38):** I move to amend the motion as follows:

Delete paragraphs (b) and (c) and insert:

(b) recognises the value of tourism to the South Australian economy and its cultural and community importance;

(c) acknowledges the importance of the sector as a large employer of 40,000 South Australians in all regions of the state; and

(d) recognises the investment by the South Australian government into tourism, which is more than ever before reaffirming South Australia's commitment to our tourism industry, which is a key driver for the state's economic recovery.

It does give me great pleasure to rise and speak to the motion, which marks World Tourism Day on 27 September, in only a couple of days' time, to celebrate the value of tourism to our economy and to our cultural and community fabric. The tourism industry, as has been said, is characterised by a large proportion of small businesses and employs 40,000 South Australians. The tourism industry in South Australia was performing well pre COVID, with record all-time economic value of $8.1 billion in December 2019.

Critically, South Australia was the first state in Australia to open up to intrastate tourism, which drove recovery through South Australians travelling to our regions and supporting our tourism sector. Knowing how much of our tourism dollar gets spent interstate and overseas by South Australians, the opportunity to redirect that spending inside South Australia has been a great boon, especially to our regional economies.

The South Australian government continues to support the sector through expenditure that is at a record high, and we do take a whole-of-government approach to the tourism sector. During COVID-19, the government has introduced targeted stimulus measures to improve business capability, support business resilience and drive consumer demand from South Australians with pent-up interest in travel. The opening of borders now to Queensland, Northern Territory, Western Australia, Tasmania, ACT and, as of now, New South Wales will also drive visitation from interstate travellers and grow visitor economy economic benefit.

Funding has been allocated to the South Australian Tourism Commission to the COVID-19 tourism industry support program. That $5.7 million is comprised of a small tourism business grant fund of $5 million, a regional events grant fund of $200,000, a digital training program of $200,000, a regional funding support program of $110,000 and a resilience and rebound project worth $200,000. This is a whole-of-government, whole-of-sector approach that helps put money into helping to grow and maintain this most important sector.

We are also investing in a new voucher program to prompt demand from South Australians to take up accommodation in city, metro and regional properties that are suffering as a result of low numbers of interstate and international visitors. The reason this program is important is that there are some sectors of our tourism economy that are doing really well. From an anecdotal perspective, we know that some accommodation providers in the Riverland are booked out. There are some parts of the West Coast, Mr Deputy Speaker, in your electorate, that are having, they say, their best year in a large number of years.

So we know that there are specific issues in specific areas, and none more so than the hotel accommodation market in the CBD of Adelaide. We know that the hotel market in Adelaide relies on interstate and overseas visitors who are not here. We also know that because of changed work habits there are many small businesses, food and hospitality businesses that would normally thrive around international and interstate visitors coming and spending money, that have been doing it tough

because of lower visitation numbers into the CBD not only by those travellers but also by South Australians working from home or choosing to go and socialise in and around their suburban homes.

It is why this program has been targeted with a $100 voucher for CBD hotels and a $50 voucher for regional hotels. The idea here is to spend some of taxpayers' money to prompt South Australians to get out and about in our regions. We know the system, using the ATDW database, is a great way to encourage people, to give them an incentive, to get out into our regional areas.

I do not think they need that much encouragement. In fact, the feedback I have had has been that this is just a fantastic boost to encourage people to get out and about. Whether it is to go to shuck a few oysters on the West Coast, whether it is to go up the river into the Riverland or whether it is to come to the beautiful Barossa Valley, we know that this voucher scheme is going to deliver dividends not only for those accommodation providers but also for flow-on effects to all those businesses that rely on those tourism visitors.

I come from an electorate that relies heavily on the tourism sector. There are 800 people in the Barossa who are directly employed in the tourism industry, with a further 400 indirect jobs being created in the Barossa. Around $235 million a year is contributed, as part of the Barossa economy, by the tourism industry. Alongside our wine and food industries, it is the major employer in our region.

Tourism has been up and down. The Barossa does rely on overseas and interstate visitation, some of those high-end, high-value visitors. We are on the cusp of being a daytrip from Adelaide. In fact, that is the subject of a campaign that the Barossa has successfully run to help make that link and that daytrip a lot more possible.

Earlier this year, I was really proud to open the Northern Connector to the Barossa and northern areas to help make that part of our state just that much more accessible. Tourism Barossa, a fantastic local association, got on board on the back of that road opening to launch their 'Barossa. Just got closer' campaign, a campaign that has been successful in encouraging more people to come back, have a new look at the Barossa Valley and realise that it is closer and more accessible than it was before.

Before the election, I was speaking to a large number of operators in the southern areas of the Barossa, around Lyndoch and Williamstown, about the fact that the opening of the Northern Expressway and the sealing of Gomersal Road has helped to reorient the way people travel to the Barossa, essentially bypassing the southern areas and coming in via Tanunda or Nuriootpa. That has been to the detriment of some of those areas in the southern Barossa.

An election commitment that we took to the last election was to seal Lyndoch Road, a seven-kilometre stretch between Gomersal Road, down to just on the outskirts of Lyndoch, to help create a sealed connection to encourage people to come and visit the southern Barossa. That again has seen some significant benefit. We do know, though, that we need to help improve signage, especially in that southern Barossa region to encourage more people to go and see the length and breadth of what the Barossa has to provide.

I also note the opening of the Barossa Adventure Station in my own backyard of Angaston and note what a fantastic family attraction it has become. From dawn until dusk every day there are families there. In fact, I think the member for Wright came and visited only a few weeks ago. It has attracted people from Adelaide who want to come up and potentially visit a few businesses and a few wineries, and also want something to do with the kids. This adventure station provides hours of entertainment for young ones, including my two, and helps people to stay and spend money in Angaston. Those local businesses have reported to me the positive benefits of that.

I have also been extremely proud of how our local tourism operators have adapted during this difficult COVID-19 pandemic. I want to pay tribute to them and their resilience in adapting their business models to help improve the way they do things so that they can keep their businesses going and keep entertaining visitors who come to our region.

In the last couple of months and last few weeks there has been some strong anecdotal evidence of people coming and spending money in the Barossa. It is a bit patchy and that is to be expected, depending on how businesses have orientated themselves. Those more exposed to international visitors are doing it a bit tougher, whereas those oriented more to domestic visitors are

seeing the benefits of the government's investment, as well as the willingness of South Australians to come and visit the beautiful Barossa Valley.

With that, I commend the amended motion to the house. I do note that there is always more that needs to be done and more that we are doing to help improve our tourism sector. Once this pandemic is behind us, I look forward to more Australians and more citizens of this globe coming to visit South Australia and the Barossa Valley and enjoying the best of what we have to offer.

**The Hon. G.G. BROCK (Frome) (12:48):** I rise to support the original motion by the member for Ramsay. I would like to acknowledge that 27 September is World Tourism Day and note the importance of tourism, especially to regional South Australia. A lot of people do not understand the importance of tourism to local communities and specifically for accommodation locations and other associated activities. Our regions, especially the Southern Flinders Ranges, offer great contrast in biodiversity, not only with food and wine but also with the ever-changing environment in the Southern Flinders Ranges and the ranges in particular.

Tourism operators have been severely impacted by the effects of the restrictions of COVID-19, but with the relaxing of travel, to a degree, we must also remain very vigilant of any dangers of the disease re-emerging and necessitating further restrictions. The member for Schubert indicated just a minute ago that all the borders, with the exception of Victoria, are now open, so we need to be very positive about what we do and how we promote ourselves.

In looking at locations, such as the Clare Valley, where the communities rely heavily on tourists coming to experience their assets, I have noticed the innovative ways that the operators there have responded to the recent restrictions. They have vastly diversified how they operate and have improved some of their facilities to a great degree. I had the privilege of attending the official reopening of the Watervale Hotel on Sunday. Not only has this facility now captured the history of the hotel itself and the surrounding activities but it is also of a standard that exceeds some facilities in Adelaide and also interstate.

Tourists are attracted to stop in any location based on the standard of a facility and, very importantly, it is also based on the friendly service of the staff and management at those locations and their ability to understand and promote other activities in the region. In other words, we really cannot just focus on what we have in one certain location; we need to push those people on to the next location so they can spend their money further out.

Three councils, the Northern Areas Council, the District Council of Mount Remarkable and the Port Pirie Regional Council, are working collaboratively together to promote a mountain bike loop by partnering together to get the best results and outcomes there. This will also complement the Riesling Trail and the Lavender Federation Trail around the Clare Valley, and also the Heysen Trail through the Southern Flinders Ranges. That will create an opportunity for people who want to go cycling or touring there. This creates a different attraction, where people wanting to have a cycling experience can traverse what will be a world-class trail, which will cover the Mount Remarkable National Park, areas of the Wirrabara Range, Telowie Gorge and also Spaniards Gully Conservation Park.

Whilst people may experience this activity, the challenge is for the surrounding locations—especially local councils—to be able to attract those visitors to stay in other communities away from these trails and spend time and money in the businesses in each of those communities. After all, this is new money coming in, and we need to capture that new money coming in. If we do not do that, then our existing retail and accommodation facilities will not be able to succeed in the long run.

To be able to attract these people to stay in these locations, councils need to ensure that their entrances, their signage, their attitude and other activities are of the highest standard. In my travels, I see certain locations that do not meet the criteria, and that is a real issue. There is nothing worse than coming into a community to see a very unattractive entrance, not well maintained, to see dilapidated signage and very poorly presented business facilities. I know times are hard, but if we are going to sell ourselves we need to promote ourselves in the best manner.

It is like selling your home: what do you do when you want to sell your home? You spruce it up. You maintain the garden and spruce it up, you paint the exterior, you paint the interior. You need

to put a very good image out there to convince those people coming in to actually buy the house. No matter what the inside looks like, if the outside is not attractive then they will not go inside to look further.

I always state that the first impression starts with the attitude of the person coming in, and it is the location. If you are enthused and in a good mood and inclined to actually spend money, then you will contribute to those businesses. Just as important is the lasting impression of people leaving those locations. If they have had a good experience, they will feel motivated and very contented and will promote a very positive message to their friends further out. But even if they have had a motivated experience in that location, what they see on their way out will be the last impression of their holiday, and that is what people express—that last image is what they will promote.

The member for Schubert has indicated there are some hotel accommodation vouchers going out. When governments put budgets out there for funding allocations, it is statewide. One thing I am concerned about is that regional locations always have to compete with the larger facilities and more affluent operators in the metropolitan area. The member for Schubert has indicated that there are hotel vouchers for $100 for the CBD of Adelaide but $50 vouchers for hotels in country areas.

Governments of the day should be equal in the distribution and opportunities for any funding. If it is going to be $100 for the CBD hotels, I cannot see why it should not be $100 to encourage people to get out into the regions. If you have to go to the regions from the city, then there is the extra cost of fuel—and that is another issue that the member for Florey has been highlighting—the cost of travel and the roads, etc. If there is going to be some funding, have separate funding for regional opportunities and operators. As I said, any budgets that are bid on by statewide operators put regional people at a disadvantage because they do not have the same opportunities or the same resources to compete.

Certainly, in supporting the member for Ramsay's motion, regional South Australia in particular has a great opportunity. We need to be more proactive in our regions. We need to promote ourselves far better. We are certainly welcoming people. We need to get that funding out there. JobKeeper and Jobseeker are helping regional communities, but that will come to an end. We have a great challenges out there. We need to face these together and make certain we get everything right and promote people out there. If we do not do that, then these people will go under.

We know already from the media just recently that there have been some regional tourism operators who just do not have enough activity, so they cannot keep their staff. And once those staff move on, all that knowledge and expertise is gone. We need to be able to maintain that and ensure our youth, our regional people, have the best opportunities to maintain their employment opportunities.

**Mr WHETSTONE (Chaffey) (12:57):** I rise to support the amended motion, and I do that with a little bit of qualification. After listening to the shadow spokesperson for tourism, I am gobsmacked that she is portraying the regions of South Australia, the tourism businesses of South Australia, as still on their knees. We have seen significant forward movement with regional tourism operators right around regional South Australia. This government is putting in good measures and good practice to support them.

When we compare the support for accommodation in Adelaide, we understand that accommodation is much more expensive in Adelaide than it is in the regions, and for very good reason. We go to the regions because we are looking for either a nature-based experience or to experience some of the great opportunities that the regions of South Australia offer.

In my electorate, the great electorate of Chaffey, tourism operators are saying they have had, in July, their best month ever in operations, and that really is a testament to their commitment to not only giving people a great experience but it is also showing a trend, through COVID, that people are travelling in South Australia to get that nature-based experience. In the Riverland, we have it all, whether it is adventure, nature-based holidaying, camping or experiencing the river. It is a $177 million Riverland economy and it represents about 8 per cent of regional visitation.

I pay tribute to Destination Riverland for the great work they are doing. They have just put out their 2030 strategy, their goals, including marketing and visitor service, experience, supply and

development, collaboration, industry capabilities, leisure and business events, and promoting the value of tourism. I commend all the tourism operators in South Australia.

I want to pay tribute to Andrew 'Cosi' Costello and *South Aussie With Cosi*. He is doing a great job promoting regional South Australia. He is doing a great job promoting tourism in South Australia. It is about supporting businesses that are doing an outstanding job through the trying times of COVID as well as giving people that regional country eco experience, the nature-based experience.

**The DEPUTY SPEAKER:** It sounded like an advertisement for the Riverland, member for Chaffey.

**Mr WHETSTONE:** It was. I seek leave to continue my remarks.

Leave granted; debate adjourned.

*Sitting suspended from 13:00 to 14:00.*

*Parliamentary Procedure*

## PAPERS

The following paper was laid on the table:

By the Premier (Hon. S.S. Marshall)—

Adelaide Venue Management Corporation—Annual Report 2019-20

*Ministerial Statement*

## ONLINE PREDATORY BEHAVIOUR

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:00):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. R. SANDERSON:** Yesterday, I was asked about the timing of who knew about the 13-year-old girl being a victim of a predator and, in particular, when the Chief Executive of Child Protection, my office or myself became aware. These questions were and are distasteful and insensitive. When the chief executive or I knew about this incident is irrelevant to ensuring adequate care and support was provided to this young girl.

I thank the frontline social workers and all who supported and cared for this girl during this difficult time. Once I learned the young person's name, I was able to instruct my office to search any records relating to her case. No records exist or were ever received. My office has also conducted a search for general terms relating to this matter.

In May, I received general correspondence regarding unlawful sexual intercourse with minors and associated criminal penalties. The focus of this correspondence was the criminal penalties associated with offending of this nature. A reference was made to more than one young person, one of whom was in guardianship. It did not refer to a failure of care or identify the specific circumstances.

This matter was appropriately referred to the Attorney-General's office, and I am advised that the Attorney responded. I reiterate: at no stage was any concern raised with me about the care provided to this girl. I further repeat: my staff and I were made aware of the specific circumstances last week following the sentencing of this offender.

*Parliamentary Committees*

## LEGISLATIVE REVIEW COMMITTEE

**Mr CREGAN (Kavel) (14:02):** I bring up the 13th report of the committee, entitled Subordinate Legislation.

Report received.

**Mr CREGAN:** I bring up the 14th report of the committee, entitled Subordinate Legislation.

Report received and read.

*Question Time*

**CHILD PROTECTION**

**Ms HILDYARD (Reynell) (14:05):** My question is to the Minister for Child Protection. What did the minister do on being notified in May, other than notify another colleague? With your leave and leave of the house, Mr Speaker, I will explain.

Leave granted.

**Ms HILDYARD:** The ministerial statement that the minister has just referred to says:

In May, I received general correspondence regarding unlawful sexual intercourse with minors and associated criminal penalties.

*Members interjecting:*

**The SPEAKER:** Order!

**Ms HILDYARD:** The statement continued:

The focus of this correspondence was the criminal penalties associated with offending of this nature. A reference was made to more than one young person, one of whom was in guardianship.

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:06):** I refer to my ministerial statement.

*Members interjecting:*

**The SPEAKER:** Order! The member for Reynell.

*Members interjecting:*

**The SPEAKER:** Order! The member for Reynell is entitled to ask her question in silence. I call to order members on my left and members on my right. The member for Reynell.

**CHILD PROTECTION**

**Ms HILDYARD (Reynell) (14:06):** Supplementary, Mr Speaker: other than notifying the Attorney-General, what specific actions did the Minister for Child Protection take in response to being notified of more than one young person in relation to unlawful sexual intercourse?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:07):** As it states in my ministerial statement, the focus of this correspondence was on the criminal penalties associated with offending of this nature. It did not at all refer to the failure, or a failure, of care or identify any specific circumstances.

**CHILD PROTECTION**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:07):** A supplementary question to the Minister for Child Protection: is the minister willing to release the statement or the correspondence to which she refers in her ministerial statement?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:07):** No.

**CHILD PROTECTION**

**Ms HILDYARD (Reynell) (14:07):** My question is to the Minister for Child Protection. Does the minister acknowledge she could have acted sooner had her department or office informed her when they first became aware of this tragic case in January?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:08):** This is, of course, of great community concern, and I understand completely why I would be questioned on this. I am the minister responsible. The facts are what is of interest and what is important is: how did this happen, when did I know about it and what are we doing about it? Right? So as far as—

*Members interjecting:*

**The SPEAKER:** Order, leader!

**The Hon. R. SANDERSON:** —how did this happen? As we know, there are online predators. One in four young people will be approached online by a stranger. In speaking to the eSafety Commissioner yesterday, there has been a 196 per cent increase in this kind of behaviour online over the last year. This is a whole-of-community problem. This is every parent or carer's worst nightmare and that is what we are dealing with. It is my department's policies and procedures that, as I mentioned yesterday, were updated in January 2019 that enabled this to be discovered in a swift manner.

We do have phone policies. We do have agreements with our young people. She handed over her phone at night. The password had been changed. The residential care staff noticed this. They investigated further. They notified the police in a swift manner. All of their energy and effort was put around the best interests of supporting this young person. I applaud them for their work. I thank them for their work, and I would expect the exact same thing to happen in the future: that all of their effort and energy is about the young person.

My knowing after it has happened and the timing that I knew would not change that it has happened. There is nothing to be gained. My department put in place every support possible. There was a critical care review to put the supports in place, which was headed up by Dr Prue McEvoy, to make sure that the right therapies and supports are available to support this girl emotionally, physically and mentally, and they are still in place.

Why I didn't know? The other second most important question is because we were using the same policy and procedure that was there when I came into government so that, with respect to a significant—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. R. SANDERSON:** —incident, I would not be notified. This was reviewed in response—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. R. SANDERSON:** —to the Ann Marie Smith case, and it was updated in May. Once I saw that I was far down the chart it was changed. It was changed as of May this year. In future, I will be notified of an incident of this nature a lot earlier, but in saying that I couldn't have stopped the incident from happening no matter when I found out that it happened. What we can say is that, from there—

**The Hon. A. Koutsantonis:** What? So no child is safe?

**The SPEAKER:** Order, member for West Torrens!

**The Hon. R. SANDERSON:** —now that I do know, and I am aware that there is an issue in e-safety, which all parents are aware of, what I have done, and what I also said yesterday, is that I have reached out to the Minister for Education. I have a full list of all the e-safety, online bullying and predatory behaviours—all of the training that is taught through schools right from reception to year 12. I have made an appointment to see the Minister for Police where we can both have a briefing and a meeting with the joint task force, which is Federal Police—

**Ms Stinson:** You didn't know e-safety was an issue?

**The Hon. R. SANDERSON:** Of course, I can speak to the minister at any time—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. R. SANDERSON:** —and I do, but we are both having a briefing from the joint group, which is both the AFP and the SAPOL group. So we will both be briefed on the prevalence of this issue and what the police department is doing. South Australia Police also have an education arm that goes out and teaches people about the dangers of online interactions. It is something that we all have to grapple with.

I have met with our children's commissioner, Helen Connolly, and, as I mentioned, the eSafety Commissioner, and also my department has instructed and briefed the guardian.

**The SPEAKER:** Before I call the member for Reynell, I call to order the Deputy Premier, the leader, the member for West Torrens, the member for Kaurna and the member for Badcoe. The member for Reynell.

## CHILD PROTECTION

**Ms HILDYARD (Reynell) (14:12):** Thank you, Mr Speaker. As a supplementary question: as well as notifying the police, who specifically did the workers notify and when?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:12):** This is along the lines of the witch-hunt that occurred yesterday, which is disgraceful. In fact, I have spent 2½ years trying to change the culture in my department away from blaming and naming people, and bullying and standover tactics.

**An honourable member:** That was the Labor way.

**The Hon. R. SANDERSON:** That was the Labor way, and I will not be drawn.

*Members interjecting:*

**The SPEAKER:** Order! I think the minister has concluded her answer.

## TONSLEY RAILWAY STATION

**Mrs POWER (Elder) (14:13):** My question is to the Minister for Infrastructure and Transport. Can the minister update the house on how the Marshall Liberal government is delivering better services for the Tonsley and Flinders communities? With your leave, Mr Speaker, and that of the house, I will explain.

Leave granted.

**Mrs POWER:** The minister previously announced a $16 million new Tonsley station as part of the Flinders Link Project, and on Friday 18 September the minister announced that there would be more than 2,200 new services per year for the new Tonsley line.

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:13):** I thank the member for that brilliant question about this brilliant project, one that the Marshall Liberal government is delivering in partnership with the federal Morrison government.

I think the first point we want to make is that this Flinders Link Project is part of our $12.9 billion infrastructure spend—numbers those on the other side would not know—and this is delivering more jobs for South Australians, and that is what we are about. I was fortunate enough to be the Minister for Infrastructure and visit this $141 million project at the Flinders Link. I have been up there three times, in fact. I went when they started laying the sleepers.

We have also been up to the platform to see that work. The canopy has just gone on, and I can tell you that this project is on track. The project has the advocacy of the member for Elder, and she has fought hard for her community. This project is full steam ahead.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** They don't like it on that side, Mr Speaker, when we are delivering infrastructure projects. It really is a shame. In fact, we also announced, as the member pointed out, an extra 44 services. Delivering more services—we made that commitment at the

election and we are following through. Across the course of the year, 2,200-plus extra trips for people along the Tonsley train line. This is a great result.

The indicative time line is expected to open when passengers start rolling out of the trains from December, and it will extend the services through until midnight on weeknights, something they did not do on the other side when they were in government. We will also run weekend services. Unfortunately, when they were in government, the people who lived on the Tonsley line got no services at all on the weekend. That is not going to happen on our watch.

Of course, this is a massive win. The reason this came about is the new contract we have signed with our service supplier, Keolis Downer. What a great result—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —delivering better services for South Australia. We know they don't want better services on that side, but no way. On this side, we are delivering jobs and we are delivering better services.

**The Hon. A. Koutsantonis:** Corrupt contract.

**The SPEAKER:** Order, member for West Torrens!

**The Hon. C.L. WINGARD:** I hear them talking about outsourcing, Mr Speaker, and they love outsourcing on that side. Just ask the member for West Torrens.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** The member for West Torrens sold off $5 billion worth of government assets: the Motor Accident Commission, the Lands Titles Office, the lotteries, the forestries. You name it, if it wasn't tied down the member for West Torrens just flogged it off. Privatisation Pete was right behind him—right behind him. The member for West Torrens was pulling the strings, but we know what they are like over there.

This new station now has the canopy and it's all ready to go. This is another electrifying milestone in this project to deliver better services and more jobs for the people of South Australia. Alongside the extension, the line goes up to Flinders. Of course, it was called the Tonsley line. Train lines are named after where they finish up, so it will be known as the Flinders line going forward, but we are getting a new Tonsley train station.

Again, the member for Elder advocates for this with all her heart, to make sure that they have a modern, first-class facility there at Tonsley, adjacent to the Tonsley Innovation Precinct. Of course, it will allow people to get up to the Flinders Medical Centre and also provide access to the city. I know the member for Davenport as well is passionate about this line.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** Being up there and speaking to the local people and also to the people at the university, they are over the moon about this project. It is going to really help out with patronage there and allow people to access the city as well as all the suburbs along the line. This dovetails beautifully with Flinders University's $1.5 billion investment in their Flinders Village, again creating jobs and delivering better services at the same time, as we committed to at the last election.

*Members interjecting:*

**The SPEAKER:** Before I call the member for Reynell, I call to order the member for Playford and warn the member for Playford. I call to order the member for Lee, and I warn the member for West Torrens.

## CHILD PROTECTION

**Ms HILDYARD (Reynell) (14:18):** My question is to the Minister for Child Protection. From whom did the minister receive correspondence in May?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:18):** It is private correspondence, as you know, to a member of parliament, and everything I have had to say on that is in my ministerial statement.

## CHILD PROTECTION

**Ms HILDYARD (Reynell) (14:18):** Supplementary: did the minister notify her department when she received correspondence about a young person in guardianship and unlawful sexual intercourse in May? If not, why not?

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (14:18):** The member repeatedly treats this matter, I think, with some disrespect. Let me make it very clear: consistent with the ministerial statement—

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order! The Deputy Premier will resume her seat for one moment. I indicated earlier on—we are still relatively early on in question time—that the member for Reynell is perfectly entitled to ask questions in silence. They are important questions. The minister and the Deputy Premier, and all of those who are called upon to answer questions, are entitled to do so in silence. The Deputy Premier.

**The Hon. V.A. CHAPMAN:** Thank you, sir, and—

**Ms HILDYARD:** Point of order, Mr Speaker.

**The SPEAKER:** There is a point of order, the member for Reynell.

**Ms HILDYARD:** Standing order 127: I take great offence to being told that I am treating this very serious matter with disrespect.

**The SPEAKER:** As I heard the reflection, it was made not with any direct reference to the member for Reynell—

*Members interjecting:*

**The SPEAKER:** If I have interpreted it as a general reference where it was more specific, I will ask the Deputy Premier to withdraw. So I do ask the Deputy Premier to withdraw if that was a reference, indeed, to the member for Reynell.

**The Hon. V.A. CHAPMAN:** I'm happy to do so, sir. The question—

**The Hon. A. Koutsantonis:** So withdraw it.

**The Hon. V.A. CHAPMAN:** I'm happy to do so; I have just indicated that.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** Sorry, Mr Speaker, I thought you were the Speaker, but it seems the member thinks he is.

*Members interjecting:*

**The SPEAKER:** Order! I have asked the Deputy Premier to withdraw.

**The Hon. V.A. CHAPMAN:** Thank you, sir, and I'm happy to do so. I withdraw any concern that may have had a reflection on the member. What is important to remember here is that a young

girl was a victim of a serious unlawful sexual assault. In fact, there was another offence that was dealt with in the sentencing remarks in relation to this matter.

I think it's important—and I think the Minister for Child Protection has identified two very key things which are critical for the information of the public and this parliament. One is that her department acted immediately to refer this matter to the police. Number two is that they provided support services to this young victim.

In the middle of this month, only a week or so ago, sentencing remarks were published in relation to a criminal offence that followed. I think it's important that the minister has recorded her appreciation for the prompt conduct of her officers. What is important to also note is that in providing the information of the letter of inquiry about sentencing in relation to unlawful sexual intercourse matters and the aggravation, that was presented by a member of the public, which has been clearly identified as referred to me as Attorney-General to provide an answer to an inquiry by the member of the public.

**The Hon. A. Koutsantonis:** So you knew?

**The SPEAKER:** Order, member for West Torrens!

**The Hon. V.A. CHAPMAN:** In May, a general question was referred in the statement—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** I appreciate that the member for West Torrens keeps interjecting at this point—

**The Hon. S.C. Mullighan:** Just do what Ashton tells you, okay?

**The SPEAKER:** Order, member for Lee!

**The Hon. V.A. CHAPMAN:** —but perhaps if he just rereads the ministerial statement that has been put today, he will understand that a non-identified, non-specific reference to unlawful sexual intercourse in which children may become pregnant to an adult—as general as that—was referred to me for a response as to the idea that was raised by the person to consider whether there should be a change in the law to identify and introduce an aggravating factor in our sentencing law. That is the gist of what was presented.

In no way would I disclose the name of the author of the letter to me without seeking permission from him or her on an inquiry. I have literally hundreds of letters and emails, obviously, from the general public seeking to restore, or amend, or implement, or initiate law reforms which they think are meritorious, and I appreciate them.

In this instance, I was able to inform the person—who, in that letter, had not disclosed any specifics in relation to the subject case—what the penalties were already for unlawful sexual intercourse, which I remind members are up to life imprisonment for sexual intercourse with a child under the age of 14 years, and also all of the factors and provisions under the Sentencing Act which require harm (including pregnancy) to be taken into account in sentencing matters.

It's important, I think, as Attorney-General—and I hope I have comprehensively provided this to this particular inquiry—as to what exists already and what is available, obviously, for implementation. I have recorded my appreciation of her getting in touch on the matter, but I just want to confirm to the house that at no time was there identification of this particular case that has been referred to by the member in relation to this particular prosecution and conviction.

## CHILD PROTECTION

**Ms HILDYARD (Reynell) (14:24):** My question is to the Minister for Child Protection. Given the minister was told in May that at least one child under her guardianship was possibly the subject of unlawful sexual intercourse, why didn't she ask for further details given this child was under her care?

**The SPEAKER:** The Deputy Premier.

*Members interjecting:*

**The SPEAKER:** Order, members on my left! The Deputy Premier has the call.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (14:25):** There was no identification of any particular case. There were general statements made about the concern of—

**The Hon. A. Koutsantonis:** It was just a vibe, was it?

**The Hon. V.A. CHAPMAN:** Again, the member interjects—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** —I think in a most disrespectful manner.

*The Hon. A. Piccolo interjecting:*

**The SPEAKER:** Order, member for Light!

**The Hon. A. Koutsantonis:** A protection racket for an incompetent minister.

**The SPEAKER:** Order! I warn the member for West Torrens for the second time.

**The Hon. V.A. CHAPMAN:** In relation to the correspondence I received, which was a copy of the material referred to me from the Department for Child Protection on the inquiry as to law reform, there was no identification of any specific case, either current or historical, to identify the subject case that has been the basis of the questions from the opposition member, so there was no indication at that point sufficient to alarm that there was an existing case for the child protection minister. However, and I just want to reaffirm this to the—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** Thank you, sir. I just want to reaffirm to the members that there was nothing in this material which was to identify that there was a current or existing concern about an existing person. This was an experience that had been described. It could have been in the Labor Party administration. That wasn't identified. What was identified was an indication from this person who purported to have experience—

*Members interjecting:*

**The SPEAKER:** Order, member for Wright and deputy leader!

**The Hon. V.A. CHAPMAN:** —and wanting to express her view about what she thought sentencing reform could include. For all the reasons I outlined earlier, I indicated to her the severity with which the law already treats these matters and of which the Sentencing Act prescribes matters to be taken into account, including harm to a victim, which by definition under that legislation includes pregnancy.

**The SPEAKER:** Before I call the member for Chaffey, I call to order the Premier and the Minister for Education. I call to order the member for Wright and I call to order the member for Light.

## OUTBACK COMMUNITIES

**Mr WHETSTONE (Chaffey) (14:27):** My question is to the Attorney-General. Can the minister inform the house about the Marshall Liberal government's plan to improve the lives and the economic recovery of South Australia's outback communities?

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (14:27):** I thank the member for Chaffey, who of course has a large slice of the outback region of South Australia in his electorate. Sixty-three per cent of our state, housing some 4,500 people, live in the outback. They don't have local councils to look after them. They have the Outback Communities Authority, which, in my again newly minted role—thank you, Premier—as the Minister for Local Government, is now under my watch.

This authority is essentially based in Port Augusta, although we have a couple in Leigh Creek at present, and they are doing great work. The first of the local government people I went to see as the new minister, of course, was the Outback Communities Authority. Incidentally, in addition to providing some management overall of the public facilities in outback communities and all of the regional towns and settlements, importantly they are a voice to be able to directly provide input as to what support government can give and what the community might require to ensure that the outback has sufficient amenity to live, work and visit safely.

The remoteness of the outback and access to goods and services is really somewhat different from what we enjoy in many ways in the metropolitan area. They have to travel great distances. They have to sell livestock, access medical supplies and travel large distances often to visit family and friends. Clearly, they have had some prolonged drought issues in that region and it's been a challenge. Coober Pedy, William Creek, Andamooka, Port Augusta, Marree, Blinman, Yunta, and Penong are just part of the areas that are looked after—and all of the space in between. We often forget about the people who live in between major settlements.

Recently, in Port Augusta they had a meeting to discuss the structure and how that might occur. Trevor and Helen Williams, who are pastoralists in the Minister for Energy's area, and members of their family and others, came to the meeting to outline their concerns. Let me tell you, the number one issue for them was roads and the importance of making sure that we improve the outback roads. We obviously were pleased to see that they were thrilled about the Strzelecki Track announcement and the $10 million funding to seal the first 50 kilometres. I reported good news about the dog fence, which indeed the member who asked me about that had been pioneering with federal colleagues—very happy about that.

But there are real issues they face, even in COVID. Trucks of cattle going down to abattoirs in Victoria find they are closed and they have to be trucked all the way back. This is the real life of people who live in these remote communities. I would also like to thank Trevor Wright, who managed to fly over and pick me up to ensure that I was able to meet with this group. I really do appreciate hearing from local people visiting out at Anna Creek to be able to identify what issues they have with water, dams, pastoral issues, and opportunities for tourism development. They were also very thrilled to hear about the Premier's announcement of the $20 million on the table, ready to go, for initiatives.

For anyone who would like to visit William Creek at any time or indeed any of the fabulous outback regions. I would encourage you to go. It's a big economic area for the state. We should never forget that. They do require our attention, our support and, obviously, the development of the provision of services—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** —which they must have to enable us to enjoy the fruits of their endeavours in the outback on our behalf.

## MINISTERIAL ACCOUNTABILITY

**Ms HILDYARD (Reynell) (14:32):** My question is to the Minister for Child Protection. Does the minister agree with the Premier's public remarks regarding ministerial accountability? With your leave, Mr Speaker, and that of the house, I will explain.

Leave granted.

**Ms HILDYARD:** On Friday 14 February 2018, the Premier stated:

I've told my ministers they cannot expect to remain in cabinet if they see nothing, hear nothing and question nothing. Ministers have to be inquisitive, inquiring and challenging. Responsibility ends—

*Members interjecting:*

**The SPEAKER:** Order, Minister for Education! The member for Reynell has the call.

**Ms HILDYARD:** It continues:

Responsibility ends on the minister's desk, not at the departmental door.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:32):** I did make it very clear that we needed to have new standards of ministerial accountability when we formed government in March 2018. Since that time, I have seen nothing from the Minister for Child Protection other than absolute dedication to her portfolio.

*Members interjecting:*

**The SPEAKER:** Order, member for Badcoe!

**The Hon. S.S. MARSHALL:** At every single opportunity, she has been inquisitive. She has looked at every single detail of her portfolio and of course she has been in a unique position to do this because she is dedicated to this area, a very tough area of public policy. Under the previous government's regime, we know that this was an add-on to various ministers, and at some periods of time we had two ministers with accountability for the one portfolio. This didn't lead to the reform. It didn't lead to the protections that we must afford to the most vulnerable citizens that we have here in South Australia.

There were widespread failures of accountability in most of the social portfolios that the previous government presided over. By contrast, since coming to government we have taken accountability in each of those areas, and I commend the Minister for Child Protection for the outstanding work that she has done. She has come into cabinet—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —and she has argued for improved conditions and very important reform. Since coming to government, we now have a single dedicated—

**The Hon. A. Koutsantonis:** You've got to be joking.

**The SPEAKER:** Order, member for West Torrens!

**The Hon. S.S. MARSHALL:** —Minister for Child Protection. We have extended payments to foster carers in South Australia from looking after children to the age of 18 right through to 21 because that was an important reform that needed to be made. We have seen a massive increase in the responses to the Child Abuse Report Line, the CARL line. When we came to government, people were left sometimes for hours and hours waiting to make a report. This was completely and utterly unacceptable.

There have been very significant improvements in terms of the workforce in this area, with a change to the qualifications acceptable in this department so that we could expand the workforce in this area. We have re-established much better relations with foster carers, who play such a vital role in caring for the most vulnerable people in South Australia.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** Under the previous government, we had a terrible situation with many of our foster carers in South Australia. What we have seen—

*Members interjecting:*

**The SPEAKER:** Order! The Premier will resume his seat for one moment. I am loath to interrupt any minister in the course of an answer. Interjections are disorderly and they will cease. I remind the member for West Torrens he is on two warnings. I don't wish to exclude members from the chamber. It is the opportunity for questions to be asked and answers to be given. The Premier has the call.

**The Hon. S.S. MARSHALL:** As I was saying, one of the critical areas of reform in this area is re-establishing a much better working relationship with foster carers in South Australia, who play such an important role in caring for our most vulnerable younger people. What we have seen under this minister's stewardship of this important portfolio is an increase—an increase every year—in terms of the number of foster carers.

I would make the point that there is still much more work to be done. One of the areas we need to be focused on is making sure that we have the right therapeutic supports for those people who are doing it very, very tough. We need to make sure that we have the right settings for those people who come into our care. One of the things that this minister has presided over is moving young people out of the larger platform residences that were commonplace under the previous government and commonplace in other jurisdictions around the country. There is much more work to be done, but what we have in the current minister is a hardworking and dedicated minister and a minister who takes responsibility.

## MINISTERIAL ACCOUNTABILITY

**Ms HILDYARD (Reynell) (14:37):** My question is to the Minister for Child Protection. How has the minister been 'inquisitive, inquiring and challenging' in immediately seeking further information and taking action in relation to the correspondence received in May?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:38):** I thank the member for the question. As far as being inquisitive, I don't think I know of anyone more inquisitive than myself. I have spent 2½ years inquiring—

*Members interjecting:*

**The SPEAKER:** Order! The Minister for Child Protection has the call.

**The Hon. R. SANDERSON:** I meet regularly with my CE—

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. R. SANDERSON:** —and I have done for 2½ years. I went out of my way in my first couple of years to visit residential care homes and to visit with as many children as possible despite the bullying—

*Dr Close interjecting:*

**The SPEAKER:** Deputy leader!

**The Hon. R. SANDERSON:** —and attacks from the then shadow minister, trying to intimidate me out of visiting children in care. We have closed down the Queenstown 10-bed facility that Labor ignored for 10 years. The Guardian for Children and Young People—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. R. SANDERSON:** —said that large bed facilities should be closed. Labor closed a couple and they opened a few more. They did immeasurable damage to children in care by ignoring reports—report after report. Let me list: the Layton review of 2003, there was a select committee on Families SA in 2007, a Mullighan inquiry, a further Mullighan inquiry on the APY lands, there was the Jarrad Delroy Roberts coronial inquest in 2009 and there was the Debelle inquiry in 2013. There was the Legislative Council Select Committee on Statutory Child Protection and Care in 2014.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. R. SANDERSON:** There was the Hyde Review in 2014, the Chloe Valentine coronial inquest in 2015, the Nyland royal commission in 2016, the Ebony Napier coronial inquiry of 2016, the national Royal Commission into Institutional Responses to Child Sexual Abuse in 2017, and the Heidi Singh coronial inquiry of 2017. That's the mess that I was left by the former Labor government—those who sit opposite: shame on you.

**The SPEAKER:** Members on my left, before I call the member for Colton, I call to order the member for Hurtle Vale, I warn the member for Badcoe, I warn the Minister for Education and I call to order the deputy leader. The member for Colton.

## CENTRAL POWER HOUSE

**Mr COWDREY (Colton) (14:40):** My question is to the Minister for Energy and Mining. Could the minister please update the house on how the Marshall government is delivering cleaner and greener power for residents of the APY lands? With your leave, and that of the house, sir, I will explain.

Leave granted.

**Mr COWDREY:** The Marshall Liberal government recently announced a $9 million project to upgrade the Central Power House in remote Umuwa.

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:41):** I thank the member for Colton for that question, and he is quite right—a $9 million project for the people of the Anangu Pitjantjatjara Yankunytjatjara lands. It is a tremendous project. We are very focused on providing cleaner, more reliable and more affordable electricity, but not just for the people in Adelaide, not just for the people in the closer country areas. Our government is focused on people throughout South Australia and, importantly, that includes the people on the APY lands. We are looking after them with regard to electricity as well.

For the last couple of years, we have spent about $3.6 million on diesel and freight—about 2.8 million litres of diesel and 7.6 million tonnes of carbon dioxide pollution a year coming from that diesel for the generators on the APY lands. We are changing that. We will continue to change it, but the first step is that 40 per cent of the electricity provided on the APY lands will be delivered through new solar and batteries on the lands—getting the mix right, accepting that for now at least there will be some diesel still to be used, using the solar that's available up there, putting batteries in place so that the electricity can be used even when the sun is not shining, employing Aboriginal people through Indigenous organisations when this work is done.

It is a $9 million project. Thirty per cent of the work will be delivered by Indigenous employment organisations on the lands. This is very, very important work. We will have a three megawatt solar farm and a one megawatt battery with the capacity to deliver 4.4 gigawatts of electricity a year. This is exactly the message that we have been delivering from opposition, and now from government. To have the transition away from fossil fuel towards renewable energy you have to get the mix right.

It's not just about saying, 'We will just approve as many wind farms or as many solar farms as people want to build.' It's actually about saying, 'Sure, renewable energy—we want it. We want more of it.' But there is only so much of that we can absorb until it can be stored, until we have dynamic demand management, until we have more interconnection and we are providing all of those things so that we can have more renewable energy generation across South Australia. The penetration of renewables can continue to grow, people can have cleaner electricity, but guess what? It's also more affordable and it's also more reliable.

Electricity prices in South Australia are declining at the retail and the wholesale level, and we have not had any forced load shedding in South Australia since those opposite were in government. We work incredibly hard to make this happen and we are focused—

**The Hon. A. Koutsantonis:** No, you didn't. What have you done? Solar generators?

**The SPEAKER:** Order! The member for West Torrens is on two warnings. The minister has the call. Interjections will cease.

**The Hon. D.C. VAN HOLST PELLEKAAN:** The former failed Labor government energy minister says, 'What have you done?' He clearly never thought that reducing prices was important. He clearly never thought that avoiding blackouts was important. He clearly never thought that enabling more renewables was important. If he doesn't know what has been done, he will never know.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. VAN HOLST PELLEKAAN:** He will never, ever know if he doesn't know that bringing prices down, making it more reliable and making it cleaner is what people want.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. VAN HOLST PELLEKAAN:** We are doing that throughout the state, including on the APY lands, and with all of that we are providing jobs for people on the APY lands—economic opportunities as well as energy in that part of the world.

## JOY BALUCH BRIDGE

**The Hon. G.G. BROCK (Frome) (14:45):** My question is to the Minister for Transport and Infrastructure. Can the minister advise the house: when the tender went out for the fabrication of the steel piles for the Joy Baluch Bridge, which is part of the Port Augusta-Port Wakefield project, did this tender go out to a public tender or to private tender? How long did the companies have to respond? Can he also advise how many South Australian companies tendered for the project?

**The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:45):** I thank the member for Frome for his question and his interest in the infrastructure projects we are delivering for South Australia. There is a lot of detail in that question; I am happy to take it on notice and get back to the member on the specifics. But to his point, and to that project—of course, it is an alliance project. The Joy Baluch Bridge and the Port Wakefield overpass are all part of our $12.9 billion infrastructure spend delivering better infrastructure for South Australia.

From a road and transport perspective, it's $4 billion over the next four years—more money going into infrastructure in South Australia over a four-year period than this state has ever seen, far more than was ever delivered by those opposite. For compare and contrast, I note that in 2016 those opposite had about a $200 million spend on our roads and, as I said, we've got $1 billion a year pretty much for the next four years. Those two projects are incredibly important.

We have a number of other projects that we are rolling out right across the rural and regional part of South Australia. We know how important this area is—often neglected by those opposite, and that's showcased in the road maintenance backlog, which is some three-quarters of a million dollars.

**The Hon. A. KOUTSANTONIS:** Point of order, sir: standing order 98.

**The Hon. C.L. WINGARD:** He doesn't like it.

**The SPEAKER:** Order! The minister will resume his seat. The member for West Torrens on a point of order.

**The Hon. A. KOUTSANTONIS:** Sir, the minister, by implying motive to us, is debating the answer to the question. I quote standing order 98:

> (a) In answering a question, a Minster or other Member replies to the substance of the question and may not debate the matter to which the question refers.

**The SPEAKER:** Order! There is no point of order. The member for Frome's question contained at least four discrete parts. The minister has indicated that he will take some aspects of the specifics on notice, and he has provided some context. I am listening carefully to the minister. The minister has the call.

**The Hon. C.L. WINGARD:** Thank you, Mr Speaker. I was going into some detail about the infrastructure spend we have, of which a big part is the project that the member talked about, which is the Joy Baluch Bridge. I know it's something the member for Stuart, the Minister for Energy and Mining, has advocated for for a very long time—it was overlooked by those opposite. We know this is a very important freight part of our state, and of course if that bridge were to go out it would cause a lot of concern for industry within South Australia. So having the extra two lanes on that bridge is very beneficial, as are the other infrastructure projects we are delivering for South Australia.

We will continue to deliver for the people of this state, generating jobs along the way, which we know are incredibly important in a time of COVID, but also ultimately continuing to deliver better services for South Australia.

## CHILD PROTECTION

**Ms HILDYARD (Reynell) (14:48):** My question is to the Minister for Child Protection. Does the minister stand by her public remarks that she was not advised of reports of critical incidents prior to the change in reporting procedures? With your leave, Mr Speaker, and that of the house, I will explain.

Leave granted.

**Ms HILDYARD:** On 17 September 2020, the minister stated, 'The incident reporting procedure was such that the minister, prior to my changes earlier this year, would not have been notified.'

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:48):** As I said, in response to the Ann Marie Smith case all ministers were tasked with reviewing their critical incident reporting. That was updated in May.

## CORONAVIRUS

**Mr DULUK (Waite) (14:49):** My question is to the Premier. Can the Premier please provide an update to the house on when gymnasiums and fitness centres in South Australia can turn their fans and water fountains on? Sir, with your leave and that of the house, I will further explain.

Leave granted.

**Mr DULUK:** A local business from my electorate has approached my office to express their concerns that the current COVID restrictions are not in the best interests of their community. The fitness centre has brought to my attention that, as they move into warmer months, members of gyms require water fountains to stay hydrated and fans to assist with temperature control. Current COVID restrictions limit gymnasiums and fitness centres from using water fountains and fans.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:49):** I thank the member for Waite for his question. There is no doubt that the restrictions that have been put in place have put an added burden on businesses in South Australia, also consumers in South Australia. But in every case, every restriction is put in place on the advice of SA Health and their number one priority is to keep our state safe, and that's exactly and precisely what they have done.

Can I say to the member for Waite that we are constantly looking at what is happening in other jurisdictions and what best practice looks like. In some instances, we have changed those restrictions over time and we have changed those restrictions in accordance with a diminished risk. So I will ask the Transition Committee to look at this issue. We know that we have asked consumers who go into gyms now to bring their own water container and not to use the changing facilities because we know that that reduces just one of those vectors, one of those ways that people can become infected.

We are at a lower level risk than where we were several months ago, so I am very happy to ask that question. In fact, I am very happy to follow up any questions that members have with regard to this area. We have, of course, announced that we are removing one of the very important restrictions tonight at midnight, and that is the removal of the border with New South Wales. It has been in place now for months and months and months.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** We said that we wanted to remove it. We didn't want to keep it in place one day longer than we needed to. When we received that advice that there was a requirement for 14 days of no community transmission in New South Wales, we were counting down those days. It was an anxious sleep overnight because we didn't want, on the 14th day, to have an example of community transmission in New South Wales. Professor Nicola Spurrier confirmed with me earlier this morning that there was no community transmission. So, as of midnight tonight, one of

those very heavy burden restrictions will be lifted. But I am very happy to follow up the suggestions, the questions, the queries that have been raised by the member for Waite and get back to him.

## SCHOOL MAINTENANCE PROGRAM

**Mr TRELOAR (Flinders) (14:52):** My question is to the Minister for Education. Will the minister update the house on how the Marshall Liberal government is delivering for South Australians through building initiatives such as the school building program, including—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr TRELOAR:** —in the electorate of Flinders?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:52):** I thank the member for Flinders for his question. I note the hilarity with which this question is greeted by those opposite. They were very proud of their $692 million announcement when they sold the Lands Titles Office. We are very proud of the $1.3 billion school infrastructure build in our public school system on top of tens of millions of dollars increased in school maintenance—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.A.W. GARDNER:** —on top of millions and millions of dollars in preschool maintenance grants to every single government preschool in South Australia. When I was with the member for Flinders in his electorate for the majority of last week, we went to Cummins, we went to Lake Wangary, we went to Cleve, we went to Port Neill, we went to Ungarra, we went to Port Lincoln, we went to Poonindie. It was a terrific week—

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** Order, member for West Torrens!

**The Hon. J.A.W. GARDNER:** —and the opportunity to talk to preschool leaders, each of whom had a community that was very grateful for those $20,000 grants where they were painting, where they were replacing carpets, where they were fixing outdoor play areas, where they were doing a range of works that were necessary, some of them long overdue. They are very grateful to this government for the decision we took for the first time as part of our stimulus measures to provide these grants. They were very excited to be giving those jobs to local tradies, jobs to local businesses throughout the Flinders electorate.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.A.W. GARDNER:** We also were able to engage with a number of school leaders doing very innovative programs and doing tremendous work. I think one of the things I really enjoyed and appreciated was the connection between communities in the Flinders electorate and those local schools.

We are doing a great body of work in the education department about the ways in which we can maximise the effectiveness of parental engagement throughout our schooling system to maximise the benefits to children's education from the work their parents can do, not just at home supporting their learning, in addition to the learning that is being done at school, but by connecting parents and schools in making sure that it is a continuous stream of learning for those students.

Many of the schools and preschools we saw in Flinders last week have an excellent model in this area, and I know that there will be many learnings that we take from that in terms of helping other schools around the state to apply. I was very excited with that group of schools we visited in the Flinders electorate. I know that we didn't get to Ceduna, but I can't wait to see the outcomes they are going to get from their $4 million build.

I can tell you that the project supporting students and families in Cummins will have a significant impact on that school, which, of course, is a school the member for Flinders is very familiar

with. In fact, we went to the member for Flinders' year 7 classroom, which is still in operation and which is supporting primary school students there. We spoke to the attendance officers and the deputy principal. They don't remember him as a student, thankfully, but it is an excellent school doing terrific work.

Port Lincoln High School, can I tell you, is kicking goals left, right and centre. We have a $15 million build that will see an outstanding advancement in the tech area, as well as the refurbishment there and the new building that will support their middle school development and their junior secondary development—an increase in their student population to 900 students at Port Lincoln High School in the years ahead.

They have a terrific Bridge Unit there, which used to be called a Better Behaviour Centre. They are able to track the students they are supporting from year 8 or year 9 through to apprenticeships and traineeship pathways. Indeed, we are very proud of one of them who has just entered university. And, indeed, Port Lincoln High School is also a school that has jumped on board very early with our new flexible apprenticeship and flexible traineeship pathways, using the opportunities through aquaculture to deliver pathway programs for students so that they are set up for work when they leave school. Indeed, many of them already have training contracts now while they are completing their year 12.

These are significant sets of reforms all about jobs—setting up our young people for jobs and putting jobs into our economy right now when they are most needed.

*Members interjecting:*

**The SPEAKER:** Order! Before I call the member for Reynell, I warn for a second time the member for Badcoe, I warn for a second time the member for Playford, I warn the member for Lee, and I remind all members of the necessity to hear both the question and the answer in silence. The member for Reynell.

## CHILD PROTECTION DEPARTMENT

**Ms HILDYARD (Reynell) (14:57):** Thank you, Mr Speaker. My question is to the Minister for Child Protection. Given the minister's previous answer, did the minister ever question why she wasn't being informed of reports of critical incidents, and upon coming into government did the minister ever request that reports of critical incidents be raised with her in her meetings with the chief executive?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:57):** As I said many times, in May we updated the critical incident reporting. Prior to May, I had been meeting with my CE on a weekly basis, and I am updated on issues that arise on a regular basis, such as Ombudsman's reports. There is a whole list of things that I am updated on—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. R. SANDERSON:** —and I inquire. And as I have stated, I was not made aware of this until the sentencing remarks last Tuesday. Since then I have been fully briefed. The procedure was updated in May. This occurred before May. This should not happen again in the future.

## CHILD PROTECTION DEPARTMENT

**Ms HILDYARD (Reynell) (14:58):** My question is to the Minister for Child Protection. Has the minister's department breached Debelle recommendations regarding ministerial notification of critical incidents?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:58):** I will take that on notice.

*Members interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Order, members on my right!

**Mr Boyer:** Obviously can't remember anything in it though.

**The SPEAKER:** Order, member for Wright! I remind the member for Badcoe: the member for Badcoe is on a second warning.

## CHILD PROTECTION DEPARTMENT

**Ms HILDYARD (Reynell) (14:59):** My question is to the Minister for Child Protection. Why did it take the minister until early 2020 for her to change incident reporting procedures given the recommendations of the Debelle report?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:59):** As I have stated many times in this house, the critical incident policy and procedure was updated as a result of the Ann Marie Smith case. The Premier instructed all ministers to go through and have a look and make sure that it was satisfactory. This is the procedure that was already in place. I can only assume it was a policy designed under the former Labor government. As soon as I saw that I was notified lower down, I had that amended. It was changed as of May.

## TRADE AND INVESTMENT

**Mr McBRIDE (MacKillop) (15:00):** My question is to the Minister for Trade and Investment. Can the minister please update the house about how the Marshall Liberal government is keeping South Australia safe and strong by continuing to drive investment into our state through the digital sphere? With the leave of the house, I will explain.

Leave granted.

**Mr McBRIDE:** The COVID-19 pandemic has seen a complete change in the way we do business, with an increased focus on engaging with international investors and importers through digital channels.

**The Hon. S.J.R. PATTERSON (Morphett—Member of the Executive Council, Minister for Trade and Investment) (15:00):** I thank the member for MacKillop for his question. He, of course, comes from a really important agricultural region in South Australia. It drives our economy, whether it's wheat and barley or whether it's their world-famous wine that comes from the Coonawarra district.

We are always talking about the importance of investment and the challenges in trying to attract it because we know, Mr Speaker, as you would, the importance of investment in South Australia. We are trying to grow the economy. It is a really important way to grow. It helps create business confidence and in turn, of course, creates jobs, and that's what we are about as a government. Nowhere is it more important than in the economic crisis we find ourselves in with COVID as well, of course. It is even more important that we get investment here, into not only your region but also all of South Australia.

Interesting as well is the impact the coronavirus has had on international travel. It has really closed down the borders and made it hard for travel, and of course that means it is hard for these face-to-face meetings that generally explain investment decisions. We are looking at other ways of how we can go about that, so that's why I am pleased to inform you, member for MacKillop, as I do the house, that South Australia is going to launch an Invest in SA website.

It will be a fantastic website. It will be a digital one-stop shop to really bring together investors and, more importantly, some of the fantastic investment proposals that we have in South Australia, making them known to the world, which is really important from that point of view.

*The Hon. Z.L. Bettison interjecting:*

**The SPEAKER:** Order, member for Ramsay!

**The Hon. S.J.R. PATTERSON:** Importantly, it is a free business tool as well. For those South Australian businesses, or propositions that have the investment potential, that are investment

ready, this tool will allow them to go online and register their proposal to showcase what they want, attract business and see how they can do it.

In terms of other opportunities this website will provide, it will also inform those potential investors about the South Australian landscape: what is required from a visa perspective, any licensing or registration that is required and, more importantly, what advantages there are in South Australia, whether that's our fantastic research institutions or what partnerships can be formed. Importantly, it is also the skill base of South Australia, all the skills the Minister for Innovation and Skills is bringing to the table with his fantastic investment in skills in South Australia, looking to leverage that and showcase what we can do to skill up South Australians and have that workforce talent available.

In summary, it will enable those investors from all around the world an easy to navigate process that is well informed of what those investment proposals are. We know the fantastic work that is going on in the innovation space—Lot Fourteen, the Australian Space Agency, the Cyber Collaboration Centre, the MIT Living Lab—and we have those case studies there. It is fantastic to have Professor Sandy Pentland from MIT actually effuse what a fantastic place South Australia is: the data analytics, the machine learning skills, in the top three in the world.

I think that really makes other big investors stand up and say, 'If it's something for MIT to come here, we should be looking here as well.' We see that as a fantastic opportunity. It also allows those investors to connect with business contacts, to really understand what advice they need and what support they need to either invest directly in a project or, in fact, set up their commerce and their enterprise here. It will be a fantastic way to promote South Australia. It will show that we are an attractive business destination, and really what that flows to is the economy growing, jobs for South Australians. That's how, as a government, we're going to make sure that South Australia is strong and safe.

## CHILD PROTECTION

**Ms HILDYARD (Reynell) (15:04):** My question is to the Minister for Child Protection. How many of the approximately 400 children in residential care have a mobile telephone and who pays for costs associated with those mobile phones?

**The Hon. D.G. Pisoni:** So you think they shouldn't have one?

**The SPEAKER:** Order, Minister for Innovation and Skills! I confess—

*Members interjecting:*

**The SPEAKER:** Order! The question appeared to me to introduce facts. I will give the Minister for Child Protection the call.

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (15:05):** I will take the question on notice.

*Grievance Debate*

## MINISTERIAL ACCOUNTABILITY

**Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (15:05):** I am going to make what is probably for me a rare statement, which is one agreeing with the Premier. When he gave the quote that was referenced earlier—

*Members interjecting:*

**The SPEAKER:** Order! The minister will resume his seat for a moment.

*Members interjecting:*

**The SPEAKER:** Order! Members leaving the chamber will do so quietly. A moment ago, I clearly heard—

*Ms Hildyard interjecting:*

**The SPEAKER:** Order! I clearly heard the Minister for Innovation and Skills utter the word 'disgrace' as he left the chamber—

*Ms Hildyard interjecting:*

**The SPEAKER:** Order! I have not observed to whom he uttered that statement. I ask the Minister for Innovation and Skills to withdraw and apologise.

**The Hon. D.G. PISONI:** I withdraw and apologise, sir.

**Ms HILDYARD:** Point of order.

**The SPEAKER:** The member for Reynell on a point of order.

**Ms HILDYARD:** Yes, 124: I take great offence to the member for Unley, when he was still in his seat and when he was leaving the chamber, saying to me, 'You will make them wear a star soon.'

*Members interjecting:*

**The SPEAKER:** Order! On the point of order—

*Members interjecting:*

**The SPEAKER:** Order! I have indicated in the course of question time that members will depart if disorder continues. The member for Reynell raises a—

*Mr Boyer interjecting:*

**The SPEAKER:** I am in the process of ruling on the point of order, member for Wright. The member for Reynell raises a point of order pursuant to standing order 124. I remind the member for Reynell and all members that it is important to raise any point of order in relation to words that have been used by any member immediately. It's a topic that has been the subject of—

**Ms Hildyard:** I stood straight up.

**The SPEAKER:** Order! It has been the topic of consideration recently, having been raised by the member for Florey. I accept, in the circumstances, the member for Reynell has raised the matter as soon as practicable. I ask the Minister for Innovation and Skills to withdraw and apologise to the member for Reynell for those remarks.

**The Hon. D.G. PISONI:** It's not exactly what I said, but I withdraw and apologise, sir.

*Members interjecting:*

**The SPEAKER:** Order! The deputy leader has the call.

**Dr CLOSE:** Thank you, Mr Speaker. My dear friend—

*Members interjecting:*

**The SPEAKER:** Order, member for Badcoe! Order, member for Hurtle Vale!

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. VAN HOLST PELLEKAAN:** Point of order.

**The SPEAKER:** Order! The Minister for Energy and Mining on a point of order.

**The Hon. D.C. VAN HOLST PELLEKAAN:** No, sir; I think you are about to take charge.

*Members interjecting:*

**The SPEAKER:** Order! Members leaving the chamber will leave in an orderly manner. The deputy leader has the call. The deputy leader is entitled to be heard in silence. Members on my right and on my left will maintain silence. The deputy leader has the call.

**Dr CLOSE:** Thank you, Mr Speaker. These are trying times. My good friend and the very honourable member for Reynell referred earlier to a quote from the Premier that was issued at a time just before the last election. He held a view that I agree with, and I will paraphrase because the full quote has been given, that 'ministers have to be inquisitive, inquiring and challenging' and 'Responsibility ends on the minister's desk, not at the departmental door.' These are fine words.

I will have to take a brief moment to clarify some of the assertions made by the Premier. Having written my grievance and wanting to say that I agree with him and praise him for those words, he then in answer to a question was quite misleading in the way he represented statistics that resulted from reform that he said he could lay at the door of his government and his minister.

The CARL wait time went from 42 minutes the year before to 15 minutes under my changes when I was still the minister in that financial year. Not long after the election, the number of children who were not only in care but, very tragically, then put into residential care and into commercial care escalated dramatically, so to try to claim all the reform for his government is simply inaccurate and I felt the need to clarify that.

But let us get back to the minister and her actions. Has she been inquisitive, inquiring and challenging? There are two issues that have been raised in the context of the matters that have been addressed in the last two days in question time and previously in the media. First of all, she claims to have inherited a policy that was not to tell her that a critical incident had occurred. Secondly, there is the question: if she was not being told about these, did she ask any questions? Let us deal with the first one. What is particularly concerning about that is that we cannot get clear whether she was on a notification list or not. It seems to be, 'Well, I wouldn't have been told about that under the policy that I inherited, but I was on the notification list, just a bit far down.'

Being far down the notification list is okay when there is a critical incident that needs to be dealt with by the worker, the worker's manager, the person in charge of that section and then up to the chief executive. It is important that they know that first, but then the minister gets to find out. We are not talking about a time between January and now; we should be talking about a matter of days. If she is on that list, she was informed, yet she claims that she was not informed.

Was this something that she inherited, whichever version that we may be being asked to believe existed? I know that I received critical incident reports when I was the minister, as did my staff. I know that I heard awful things that were happening to children, such that I feel for anyone who holds the portfolio of child protection. There is a great deal of vicarious trauma that goes with being that minister. It is nothing on being the child in that situation. It is nothing on being a frontline worker in that situation, but it is challenging to read those reports and some of them are seared in my memory.

I would go home feeling that I had acted in a professional and grown-up way all day and find myself crying while reading to my children because of what I had read that day in those reports about those critical incidents that I was being informed about. One of those reports that I remember was in fact that a 13-year-old child was in residential care and was in an inappropriate relationship with an older male. I remember being told that because that was the protocol that we had: that I needed to be informed about that so that I could do something.

If the minister did not get any reports like that, did she not notice that she did not have those reports? Where is the inquiring mind? Where is the, 'Gee, nothing bad seems to be happening to children in care. Why aren't I receiving these statements? Why aren't I being told about them?' Because if you do not know, you cannot act, and if you cannot act you are not being a minister.

Terrible things happen to children in care before they come into care and, tragically, sometimes afterwards. The minister's job is to make the system better and you cannot do that if you are not being told, and if you are not being told you should be asking why not. This minister—

*Members interjecting:*

**The SPEAKER:** Order!

**Dr CLOSE:** —has failed the Premier's test.

**The SPEAKER:** The deputy leader's time has expired. Before I call the member for King, I note that, in respect of standing order 81A, the time allowed for grievances is no less than five minutes. It is my desire not to interrupt in the course of a member providing a grieve. I just ask that all members bear that in mind. I will exercise discretion so as to allow—

**Ms Stinson:** The member for Unley should keep that in mind.

**The SPEAKER:** Does the member for Badcoe have something that needs to be said in the course of my ruling on this standing order? I will exercise my discretion to permit a member to conclude their remarks so as not to be bound slavishly by that five-minute limit. I just make that observation for the benefit of all members.

**Dr CLOSE:** If I may, just as a point of clarification, I appreciate your latitude in allowing me to go slightly over. I had considered asking for additional time given the interrupted beginning, but I felt that, if it were not given to me, it would take still more time from me. I appreciate the latitude that was shown by the Chair.

**The SPEAKER:** No need, deputy leader. The discretion is there for that purpose.

## SINGLE-USE PLASTICS

**Ms LUETHEN (King) (15:16):** The Marshall Liberal government is 100 per cent committed to addressing the use of single-use plastic products in our community. I am proud that we are the first state to progress banning single-use plastics. Our plan is delivering in a practical and sustainable way for our environment. We are committed to South Australia continuing to be a national leader in recycling and resource recovery. We see this as a key part of the government's environmental agenda, which is focussed on delivering practical, on-the-ground environmental outcomes, not just empty gestures and slogans.

I would like to thank the many King community members who have spoken to me over the past few months to have their say and voice their strong support that it is time for a change in how we use and handle single-use plastic products. Based on the feedback received through public consultation, a stakeholder task force and the Plastic Free Precincts, the Single-use and Other Plastic Products (Waste Avoidance) Bill 2020 has been developed by the Marshall Liberal government.

The bill proposes that, on commencement of the legislation, single-use plastic straws, cutlery and drink stirrers will be banned from sale, supply or distribution, and 12 months from the commencement date the distribution of expanded polystyrene cups, bowls, plates, clamshell containers and oxy-degradable plastic products will then be prohibited.

On a separate note, our Marshall Liberal government has also introduced a bill to ban political posters on public poles, and I added to the discussion my constituents' views yesterday. It has been made clear to me by my community that they wish to support a ban for many reasons, including environmental reasons. We believe they are detrimental to the environment, costly and do little to educate voters. Furthermore, business representatives have advised that there is widespread support for taking action and banning single-use plastics, and voluntary measures are already underway to reduce their use.

To support businesses and the community to transition to alternative products in the lead-up to and during the implementation of the legislation, Green Industries SA will be developing more communication materials. The legislation will include exemption-making powers that will allow for the continued sale, distribution and supply of single-use plastic straws to people who require them due to their disability or particular medical requirement. These matters have been extensively worked through by the task force, which includes two disability representatives.

In 2019, a discussion paper was released to engage South Australians on what could be included as single-use items to ban. Responses to the discussion paper returned were overwhelmingly positive. Additionally, plastic-free precincts have been established at Jetty Road, Brighton; The Parade, Norwood; Adelaide Central Market; and all SA surf lifesaving clubs, with champions at each of these sites leading the way. We have received a huge amount of positive feedback from the conservation community, from the business community and from my community,

which recognises that customers are interested in seeing this, and from the broader community as well. Our single-use plastic ban is leading the way. It is sending a strong market signal, and it is providing case studies for organisations not just here in South Australia but right across the nation and the world.

In more good environmental news, Para Wirra Conservation Park is the National Parks and Wildlife Service park of the month for September. There have been ongoing activities day and night that have been organised for the park. They have been well attended and, in actual fact, booked out. We announced this month the addition of an extra 179 hectares of park being added to the Para Wirra national park for conservation.

I thank Mike and Patsy Johnson, the previous owners of this land, for their initiative, for working with the various departments and for their persistence over a decade to make this state government purchase happen. How amazing this news is for our community. I thank the Minister for Environment for his work to introduce a range of practical environmental projects that are helping South Australia continue to lead the way in recycling, in greening South Australia and in opening up our parks and helping people get back into nature.

Time expired.

## NATIONAL FAMILY BUSINESS DAY

**Ms MICHAELS (Enfield) (15:22):** Today, I rise to recognise National Family Business Day, which was last Friday 18 September. Last Friday, many businesses across Australia took part in celebrations to recognise the achievements as part of National Family Business Day. I have had a long history with the family business sector, and I am very honoured to be standing here today as the shadow minister for small and family business, highlighting the importance of this sector to the Labor opposition.

Each year on National Family Business Day, Family Business Australia (FBA) celebrates the achievements of family businesses in Australia. FBA is an organisation that I have been involved in for some years, and South Australian businesses regularly feature in the national awards. In 2019, Seeley International was awarded the Distinguished Family Business of the Year Award. Like many family businesses, Seeley International started out in Frank and Kathy Seeley's garage.

Now Seeley International is Australia's largest air conditioning manufacturer, and Frank and Kathy's son Jon is now the group managing director. Seeley International has more than 500 employees across its two manufacturing sites in South Australia and exports to more than 110 countries. With a commitment to Australian manufacturing and innovation, Seeley International is a leader in producing energy-efficient climate control solutions.

In that same year, 2019, the University of Adelaide's Visiting Research Fellow, Dr Jill Thomas, received an FBA Life Membership Award. Dr Thomas is an international leader in the field of family business studies. She has developed family business education units at the University of South Australia and was the co-founder of the Family Business Education and Research Group at Adelaide University.

In 2018, South Australia was represented by Lowen Partridge, winning the Chairman's Award for her work as a family business adviser in brand strategy, and Van Schaik's Bio Gro from Mount Gambier was inducted into the FBA Hall of Fame. I could go on further about many other South Australian family businesses that are more than pulling their weight on the national stage in the family business sector.

Family businesses are the backbone of the Australian and, in particular, the South Australian economy. Seventy per cent of all businesses in Australia are family run, and they employ 50 per cent of the workforce in Australia. It is estimated there are 1.4 million family businesses in Australia and they have a worth of $4.3 trillion. When we talk about family businesses, we are not just talking about the mum-and-dad corner store and not just small businesses. Family businesses come in all shapes and sizes and operate in most if not all industries around Australia.

South Australia is home to some of Australia's most successful family businesses. Thomas Cooper began brewing his family's famous ales and stouts in 1862. From these humble beginnings

at the family's Norwood home, Coopers Brewery Ltd has grown to become the largest wholly Australian-owned brewery based in Regency Park, just outside my electorate.

Another success story is that of Haigh's Chocolates. Alfred Haigh opened his first store in 1915, and commenced production from Greenhill Road in 1917. In March 2018, Haigh's opened its new factory at Mile End, expanding its production from 700 tonnes to 2,000 tonnes of chocolate. The Haigh's family remains strongly in control, with Alister and Simon Haigh holding positions of joint managing directors and employing over 600 people. Haigh's graciously hosted us at an FBA event last Wednesday.

While not on the scale of Haigh's or Coopers, I grew up watching my own family start its own family business. My father was a carpenter and, after working for a few years as an employee, started working on weekends in our garage making cabinets for family and friends. He got so busy that within a couple of years we moved to a property down at Beverley and built a workshop in our backyard. Mum would help him during the day before she went to work in a factory at night, and my brothers and I grew up sandpapering doors and assembling cabinets with him.

Watching my parents build their family business inspired me to do the same, so before I entered this place I started my own law firm. Owning my own business provided me with not only many great opportunities but also the many challenges of owning and operating a business. I can personally attest to the fact that our local entrepreneurs face innumerable challenges in running businesses.

The hard work and bravery of all family business operators in Australia have to be acknowledged. They are the economic engine of this state, and keep our state moving forward, and I want to acknowledge and congratulate them on their efforts.

## EVANS, MR A.L.

**Mr CREGAN (Kavel) (15:27):** I wish to memorialise in this place the life of Allan Leslie Evans, who passed away on 5 February 2020, and to record the esteem in which my community held Allan. Allan was born on 20 February 1948 at Hamley Bridge Hospital, the second child of Ethel and Leslie Evans. Ethel was a proud Arunta woman and Leslie Raymond Evans was of Welsh descent and worked as an engine-driver.

Allan was a member of the stolen generations. He had a clear memory of two government cars arriving at his mother's house when he was seven. The boys, including his brother Michael—who was being breastfed at the time—were placed in one car; the girls were placed in another. Family members later said that Ethel did not know where her children were taken or, if she did find out, was forbidden from seeing them. Ethel died aged 47; it was said that she died of a broken heart at Port Augusta.

After being removed, Allan spent time at the Glandore boys' orphanage. It was a cruel environment. He was fostered out to a family at Littlehampton with his brother Stanley and later fostered on his own to the Healy family. Allan was honoured to be George Healy's best man at his wedding. At the same time, it is right to say that Allan's siblings, and of course, Allan himself, each longed for the love of their family.

Allan was an excellent athlete, working his way up to playing A-grade football and cricket in Stirling. Port Adelaide Football Club representatives invited Allan to join their practice sessions. Allan was also playing golf at this time at Mount Lofty and at Echunga. Allan was also boarding with an elderly lady, Mrs Miels, at Stirling. I understand that Allan in later years spoke of Mrs Miels with great affection and respect.

Allan married and had two children and was closely involved in family life. He believed in family. In time, he was reunited with his siblings by the Nunkuwarrin Yunti office and was deeply grateful for their efforts in seeing that this could occur. Allan found employment first as a tyre fitter and later, for many years, as an employee of the Reserve Bank of Australia. When their office closed in Adelaide, Allan worked for a time as a bus driver, and it is in that capacity that I met him.

He was popular with his colleagues. He was a prankster. He was a figure of quiet authority. He had an instinct for knowing when somebody was in trouble or needed help. He felt deeply about

the world. He was a spiritual man and, with his broad smile and good humour, children flocked to him. In a charming habit, Allan would teach many of the children he came across new words; he had a strong gift for English. He would correct grammar and punctuation and he would recite poems by heart, which would delight all of his friends and some of his passengers.

At the same time, Allan was also a humble man, intelligent, wise, practical, moral and protective of his family and those in need. People remembered that he made them feel good about themselves. Being in his presence was, for a short time, to share some of the quiet joy of life, despite the many real challenges life offered to him.

## TORRENS ELECTORATE

**Ms WORTLEY (Torrens) (15:30):** It is a privilege to represent the residents of Torrens, and when it comes to issues of concern to them, individually or collectively, I endeavour to assist them and, where possible, have their issues resolved. Sometimes it is simple, but on most occasions it requires input from a department and occasionally a minister. I have contacted government departments about a number of issues, sometimes requesting information, pointing out a problem and even offering a solution.

Under the Marshall Liberal government, the response from departments has been that they have referred it on to the minister, as they are not allowed to communicate on issues with me as the member, even when the issue needed an immediate response. The problem with this process is that, on all occasions except one, the response from the minister has taken weeks—sometimes as long as six weeks and still waiting. A recent example of this is when I received phone calls and visits to my office from Oakden residents about explosions and gunshots being heard during the day and night. One resident said an explosion was so big it shook the house.

I was out walking my dogs in Roy Amer Reserve in Oakden and I, too, heard the sound of multiple gunshots. These residents are in close vicinity to the Strathmont land, where the Strathmont pool was recently closed by this government. I understand that the site remains under the care and control of the Minister for Human Services. That afternoon, I followed up with a call to the Department of Human Services to try to ascertain what was happening at the site. I spoke with a person who told me residents had been notified about an exercise that was being carried out over a number of days.

The residents who live nearby and had contacted me told me that they had not received any notification. They were in the dark about what was going on. On requesting a copy of the notification to be emailed to me, I was told they would send me a copy by the following Tuesday—four days later. I explained that I had residents who were disturbed by the activities and even fearful. Why, if notification had already been sent to residents, could it not be immediately emailed to my office so that I could calm residents and assure them of their safety? I questioned the existence of such a letter.

I did not receive the letter by the Tuesday. In fact, a week later, I received an email from the department which read, 'I have been requested to ask that you direct your inquiries to the Minister for Police.' I immediately sent a letter to the Minister for Police by email. Two weeks later, I received a response from the Minister for Human Services, not the Minister for Police, stating that 50 residents were notified about SAPOL training—50 residents out of more than 2,500 residents who live in Oakden.

Why did it take the Minister for Human Services and her department 20 days to forward me a copy of a letter that it was alleged had been sent to 50 residents? It is a fact that many of the residents who contacted me were not in receipt of this notice. In my letter to the Minister for Police, I asked to be advised which streets received this notice and requested that for any future training exercises the residents, along with me as the state member, be notified.

I acknowledge this issue was under the jurisdiction of the former Minister for Police and Emergency Services and not the current minister. I acknowledge, too, the very important role of police and emergency services training. However, I am disappointed that as the state member for this area I was not notified of these events, nor were surrounding residents and community groups. It has been particularly difficult to get any information for weeks now and it creates a level of uncertainty within the community.

On a different subject matter but on the same issue of lack of communication by the government, I have spoken in this place about the North East Community Assistance Project (NECAP). In government, Labor gave an undertaking that NECAP would be relocated to a nearby suitable facility so that they could continue their great work in the community. In the lead-up to the election, the Liberals, too, made a commitment but there has been no answer from the government about when and where their new site will be.

Further to this, I am in regular discussion with North East Community Children's Centre, which have also been seeking an answer from the department and minister's office in relation to parking and accessibility issues for the more than 70 families and 20 staff who utilise the centre each day. As members of parliament, our electorate and our state of South Australia should be a priority. Good legislation that forms the basis of our governance, fair representation and assistance to members of our community is paramount.

My experience over the past 2½ years with the Marshall Liberal government is that it cares more about party politics than what is in the best interest of the community. Ministers are not responding. They are providing inadequate responses or taking weeks, even months, to reply.

Time expired.

## BAROSSA VALLEY

**Mr KNOLL (Schubert) (15:36):** I rise to talk about a very important topic in my electorate, that being water. Water is a subject that in most regional communities sparks a lot of debate and a lot of interest. To the Barossa Valley, and Eden Valley particularly, water is a very hot topic. We know that the Barossa is the most recognised Australian wine region in the world. In fact, it is the fifth most recognised wine region globally. It has a phenomenal reputation of producing the world's best shiraz and a phenomenal reputation of producing wines of high quality that stand up against the best of what the old world has to offer.

Water has been a prime part of how the Barossa has been able to grow and cement that reputation. Over 20 years ago, a group of growers in the southern end of the Barossa, the likes of Eddie Schild and Grant Burge and others, got together to build a pipeline to deliver Murray water through to the Warren Reservoir and then up into the Barossa Valley floor. That act and that very difficult process that was undertaken, at that time under the auspices of then Premier John Olsen, helped to bring new, clean, high-quality water to the Barossa that helped to augment ground supplies that were starting to become more saline.

That decision, and that investment at that time more than anything else, has helped to grow the beautiful Barossa's world-renowned wine region. In this place, I know that my predecessor and I have often spoken about the benefits of Barossa Infrastructure Limited (BIL). But we are in a situation now where the Barossa has reached its limit. BIL, as a scheme, has expanded and built new dams and is now supplying some 11 gigalitres worth of water into the Barossa. But it can do little more in that space.

We have had a situation in the last two years in Eden Valley where severe lack of rainfall has led to some dire and drastic situations occurring in Eden Valley where grape growers are having to collect water from standpipes from places like Mount Pleasant to help keep rootstock alive and to keep some of the world's most famous vineyards alive, vineyards like Hill of Grace. We know that, as our climate changes, getting shiraz from Eden Valley is going to become more important. It is why I am so proud to be part of a government that is looking to invest in improving water supplies to the Barossa Valley and Eden Valley. I speak about bringing water from the Northern Adelaide Irrigation Scheme across to the Barossa Valley.

In February this year, I was lucky enough as a local MP, together with the then Minister for Primary Industries, to announce that the government was putting in $800,000 to help to bring this project to fruition. Over the past six months or so we have seen a lot of work done in the community to help tease out what the issues of bringing this water to the Barossa would be. I want to thank the community for their involvement. There were a number of workshops that happened across a number of months to help build the issues and options paper that has now been put together, and participating

in those forums has helped to give me a greater understanding of just how important this project is and just how much good can come from it.

I want to thank James March from the Barossa Grape and Wine Association (BGWA), as well as Linda Bowes, a former chair of BGWA, who has been contracted to help engage with the community, as well as Encader Consulting, which is undertaking the work around this issues and options paper. I am very pleased and have been briefed regularly and often from both the Minister for Water's area as well as the Minister for Primary Industries about how this project is progressing, and it is fantastic to see that this is a very high priority for the government and one that is progressing quickly.

Can I say that the benefits of this project would be that in the Barossa we can create more consistent yields and delivery of volume of product to our customers. The worst thing is to build a market as a wine marketer and then not to have product to sell into that market. Bringing NAIS water to the Barossa and the Eden Valley will help to solve that.

Creating climate independent water we know is becoming more and more important, and again having NAIS water to the Barossa and the Eden Valley is a 100 per cent climate independent source that will help to augment the fluctuating supplies that come from the Murray as well as from other groundwater sources. It will help to improve profitability and investment in the Barossa and Eden Valley regions, and it will also help to improve the environmental stewardship that exists at the moment by providing more support and more water that helps us to be able to improve environmental flows.

This is an important project for our community. It is one that the Marshall Liberal government is committed to. It is one that is the highest priority for me as the local MP and one that I look forward to seeing progress over the coming months.

*Bills*

## EVIDENCE (VULNERABLE WITNESSES) AMENDMENT BILL

*Introduction and First Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (15:41):** Obtained leave and introduced a bill for an act to amend the Evidence Act 1921. Read a first time.

*Second Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (15:42):** I move:

That this bill be now read a second time.

It is with pleasure today that I introduce the Evidence (Vulnerable Witness) Amendment Bill 2020. This bill amends the Evidence Act 1929 to provide for canine court companions to accompany witnesses while they give their evidence and to make clearer provisions regarding pre-trial special hearings and the admission of prerecorded evidence.

May I start with the first reason. Since approximately May 2018, the Office of the Director of Public Prosecutions has undertaken a canine court companion project as part of its ongoing work in assisting vulnerable witnesses. What is this about? It is a project which has been developed in conjunction with the Guide Dogs of SA and NT and has so far involved our special member of the DPP team, Zero (the first canine court companion to be approved), in the proofing of witnesses. He is a beautiful black labrador breed dog and is featured on page 3 of *The Advertiser* today.

The next stage will involve using canine court companions to give comfort to witnesses in waiting areas of courts prior to them giving their evidence, and the final stage, which is facilitated by this bill, will be the use of the canine court companions in the courtroom while the witnesses give evidence. The presence of animals, particularly dogs, has been shown to provide comfort and support to people dealing with trauma, particularly children. Having a canine court companion present while recounting traumatic events has a range of positive outcomes for vulnerable witnesses, such as decreasing anxiety and heart rate and increasing memory function and mental clarity.

Feedback in relation to the use of Zero has been overwhelmingly positive. I hear of the adventures of Zero on a weekly basis and the joy that he brings to those he works with. The staff of the DPP have reported that witnesses have been more comfortable and willing to talk to them and more focused in meetings. This has resulted in shorter meetings with less need for breaks to quell emotions. They have also reported that there has been reduced negativity surrounding the prosecution process. The parents of child witnesses have reported reductions in anxiety prior to the meetings.

The bill provides that the court may make provision for a witness to be accompanied by a canine court companion for the purpose of providing emotional support while they are giving their evidence. The bill also provides that, where practicable, the canine court companion is not to be visible in any audiovisual record of the evidence or to a jury. This is directed at minimising any possible prejudicial effect that the presence of a dog might have. Plus, it might help me not have to pay agency fees, I suppose, for our canine companion. Most importantly, this initiative has come with the support of the Chief Justice and the judiciary. I wish to place on record my appreciation for that, because I think already the significance of Zero, and the impact he is having, has been recognised.

The second main aspect of the bill remedies the difficulties relating to the interaction between sections 12AB and 13BA of the Evidence Act. These sections were inserted by the Statutes Amendment (Vulnerable Witnesses) Act 2015. They were designed to facilitate the taking of evidence of vulnerable witnesses as early as possible in a criminal process and to minimise the number of times they are required to give evidence. They are important initiatives, and they had our support, then in opposition, at the time.

Section 12AB gives the court power to conduct pre-trial special hearings to take evidence of a child or a person with a disability for the purposes of a trial involving serious offence against the person or an offence of contravention or failing to comply with an intervention or restraining order. Section 13BA gives the court power to order the evidence be admitted in the form of an audiovisual record of an investigative interview made pursuant to the Summary Offences Act 1953 or evidence given in a pre-trial special hearing.

However, here is the problem. Because under section 13BA the court only has power to admit the recorded evidence in the trial, any application relating to the admission of such evidence cannot be determined at the time of a pre-trial special hearing. This creates practical difficulties, with the effect that the provisions are unable to achieve their original aims. In particular, there is too great a risk that the vulnerable witness may be required to give evidence again at the trial.

This has been brought to our attention in the practical application of this law, and this provision in the bill seeks to rectify this. It will enable the courts to make orders at a pre-trial special hearing admitting the recorded evidence, and enable such orders to be binding on the trial court. The trial court will have a discretion to order that this is not to be the case based on matters arising or becoming known between the pre-trial special hearing and the trial.

This bill, which builds on previous legislative reforms, aims to reduce the trauma experienced by children, people with disabilities and other vulnerable witnesses when participating in the criminal justice system. That has to be a good thing. It also delivers on the Marshall Liberal government's key justice priority to protect South Australians, which is outlined in my justice agenda. I commend the bill to the house. I seek leave to insert a short explanation of clauses into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Evidence Act 1929*

4—Amendment of section 4—Interpretation

This clause inserts a definition of *canine court companion*.

5—Amendment of section 12AB—Pre-trial special hearings

This clause—

(a) provides for canine court companions at pre-trial special hearings; and

(b) provides that an order for a pre-trial special hearing may specify that the hearing include both an initial hearing (for taking evidence, hearing submissions and making rulings as to admissibility of evidence) and subsequent hearings for any required examination, cross-examination or re-examination of the witness to whom the section applies and other matters; and

(c) provides that an order for a pre-trial special hearing may relieve a witness from the obligation to give sworn or unsworn evidence or to submit to cross-examination only where recorded evidence is admitted under section 13BA and permission of the court for further examination, cross-examination or re-examination of the witness is not granted; and

(d) sets out things a court may do at a pre-trial special hearing.

6—Insertion of section 12AC

This clause inserts a new section 12AC which sets out the binding nature of orders made by the court at the pre-trial special hearing as to the admission of a recording of evidence of a witness (being an order under section 13BA).

7—Amendment of section 13—Special arrangements for protecting witnesses from embarrassment, distress etc when giving evidence

8—Amendment of section 13A—Special arrangements for protecting vulnerable witnesses when giving evidence in criminal proceedings

The amendments in these clauses provide for canine court companions as a form of 'special arrangement' for certain witnesses.

9—Amendment of section 13BA—Admissibility of recorded evidence by certain witnesses in certain criminal proceedings

This clause amends section 13BA to deal with admission of an audio visual record of the evidence of a witness at a pre-trial special hearing.

10—Amendment of section 67H—Meaning of sensitive material

This clause corrects a minor error in section 67H.

Debate adjourned on motion of Hon. S.C. Mullighan.

## TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL

*Final Stages*

The Legislative Council agreed to the bill with amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 7, page 5, lines 4 to 19 [clause 7, inserted section 9(1) and (2)]—Delete inserted subsections (1) and (2) and substitute:

(1) The Teachers Registration Board consists of not less than 11 and not more than 14 members appointed by the Governor of whom—

(a) at least 6 must be practising teachers, of whom—

(i) at least 4 must be nominated by the Australian Education Union (S.A. Branch); and

(ii) at least 2 must be nominated by the Independent Education Union (S.A. Branch); and

(b) at least 1 must be a person nominated jointly by the Association of Independent Schools of South Australia Incorporated and Catholic Education SA; and

(c) at least 1 must be a person employed in the field of teacher education nominated jointly by the universities in the State; and

(d) at least 1 must be a person nominated by the Chief Executive of the Department; and

(e) the remaining members are members nominated by the Minister, of whom—

(i) at least 1 must be a legal practitioner; and

(ii) 1 must be a parent of a school student appointed to represent the community interest.

(2) At least half of the members appointed under subsection (1) must be registered teachers.

No. 2. Clause 7, page 5, after line 34 [clause 7, inserted section 9]—Insert:

(5a) The Minister must ensure, as far as practicable, that the persons appointed under subsection (1) consist of equal numbers of women and men.

No. 3. Clause 8, page 6, lines 10 to 27 [clause 8(2)]—Delete subclause (2)

No. 4. Clause 15, page 8, after line 24 [clause 15, inserted Part 3A]—Insert:

19B—Teachers Registration Board to survey teachers

(1) The Teachers Registration Board must, at least once in every 5 year period and in accordance with any requirements set out in the regulations, conduct a survey of registered teachers in this State to ascertain their views on—

(a) the curriculum for initial teacher education in this State; and

(b) the quality and effectiveness of initial teacher education in this State generally.

(2) On completion of a survey under this section, the Teachers Registration Board must prepare a report on the results of the survey and provide a copy of the report to the Minister.

(3) The Minister must, within 12 sitting days after receiving a report under subsection (2), have copies of the report laid before both Houses of Parliament.

(4) Nothing in this section requires a teacher to take part in a survey conducted under this section (and, to avoid doubt, a teacher cannot be compelled to do so).

No. 5. Clause 20, page 9, after line 37 [clause 20, inserted section 26A]—Insert:

(2a) Without limiting any other circumstances in which the Teachers Registration Board may reduce or waive an annual fee under this section, if a teacher pays the annual fee in advance in relation to the full term of their registration period, the Teachers Registration Board must cause the amount payable to be reduced by at least 5%.

No. 6. Clause 26, page 12, lines 21 and 22 [clause 26, inserted section 31B(1)]—Delete 'or adopt codes of conduct and professional standards (or both)' and substitute 'codes of conduct'

No. 7. Clause 26, page 12, after line 22 [clause 26, inserted section 31B]—Insert:

(1a) Sections 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* apply in relation to a code of conduct published under this section (and a reference in those provisions to a regulation will be taken to be a reference to the code of conduct).

Note—

These provisions allow Parliament to disallow a code of conduct.

No. 8. Clause 26, page 12, line 25 [clause 26, inserted section 31B(2)]—Delete 'or adopted'

No. 9. Clause 26, page 12, after line 25 [clause 26, inserted section 31B]—Insert:

(2a) Before publishing a code of conduct under this section, the Teachers Registration Board—

(a) must call for submissions from—

(i) registered teachers; and

(ii) the Australian Education Union (S.A. Branch); and

(iii) the Independent Education Union (S.A. Branch); and

(iv) the Chief Executive of the Department; and

(v) Catholic Education SA; and

(vi) the Association of Independent Schools of South Australia Incorporated; and

(b) must have regard to any submissions made by a person or body referred to in paragraph (a) during the period specified by the Teachers Registration Board (being a period not less than 1 month); and

(c) must consult with—

(i) the Australian Education Union (S.A. Branch); and

(ii) the Independent Education Union (S.A. Branch); and

(iii) the Chief Executive of the Department; and

(iv) Catholic Education SA; and

(v) the Association of Independent Schools of South Australia Incorporated,

and may consult with any other person or body the Teachers Registration Board thinks fit.

No. 10. Clause 26, page 12, line 26 [clause 26, inserted section 31B(3)]—Delete 'or adopted'

Consideration in committee.

**The Hon. J.A.W. GARDNER:** The Legislative Council has seen fit to offer some suggestions to the house as to how they think that the bill the house recommended to them might be amended. We have a slightly different point of view, but in the interests of understanding the important position held by the members of the Legislative Council, and taking on board the wisdom of the members of the Teachers Registration Board administration, who have given further reflection on the amendments from the Legislative Council, the government is going to propose—I suppose you could call it a compromise—a new set of amendments in relation to some of their suggestions.

We are going to agree with at least one of their amendments and we are going to seek that the committee recommend to the Legislative Council that they not pursue others. I would suggest perhaps the easiest thing is if we just go through the amendments one by one.

**The CHAIR:** Minister, I am advised that you should move that we disagree, as a house, with amendment No. 1 made by the Legislative Council, and then move the alternative amendment.

*Amendment No. 1:*

**The Hon. J.A.W. GARDNER:** I move:

That the House of Assembly disagrees with the amendment made by the Legislative Council and makes the following amendment in lieu thereof:

Page 5, lines 4 to 19 [clause 7, inserted section 9(1) and (2)]—Delete inserted subsections (1) and (2) and substitute:

(1) The Teachers Registration Board consists of not less than 10 and not more than 14 members appointed by the Governor of whom—

(a) at least 6 must be practising teachers, of whom—

(i) 4 must be nominated by the Australian Education Union (S.A. Branch), of whom—

(A) at least 1 must be practising in the area of pre-school education; and

(B) at least 1 must be practising in the area of primary education; and

(C) at least 1 must be practising in the area of secondary education; and

(ii) 2 must be nominated by the Independent Education Union (S.A. Branch); and

(b) the remaining members are members nominated by the Minister, of whom—

(i) at least 1 must be a legal practitioner; and

(ii) 1 must be a parent of a school student appointed to represent the community interest.

(2) At least half of the members appointed under subsection (1) must be registered teachers.

Amendment No. 1 made by the Legislative Council seeks to modify the proposed changes to the composition of the Teachers Registration Board in clause 7 of the bill. It proposes to retain the current situation in the Teachers Registration and Standards Act, whereby members of the board are appointed by the Governor on the nomination of various stakeholders, including teacher unions, universities, the independent and Catholic schools sectors, the chief executive and the minister. The government disagrees with this amendment.

The government's bill sets out changes that ensure that members of the board are appointed based on the knowledge, skills and experience required for the board to carry out its functions effectively, moving away from the board membership being based solely on the nominations of representative bodies.

However, in the interest of ensuring the passage of the bill, the government is proposing an alternative amendment that will ensure that the board will consist of between 10 and 14 members appointed by the Governor, as identified previously, but that at least six of the members must be practising teachers, of whom four must be nominated by the Australian Education Union (including at least one practising in each of the areas of preschool, primary and secondary education), and two must be nominated by the Independent Education Union.

The remaining members will be nominated by the minister but will include at least one legal practitioner and one parent of a school student appointed to represent the community interest. In addition, at least half the members of the board must be registered teachers.

I believe that this amendment captures the concern that was raised by most of the people who raised concerns with the bill, particularly teachers who were concerned that while, even if there was to be merit in a skills-based board, which the government certainly believes, the concern was that, given that it is teachers' money for the benefit of teachers, it should be a board that reflects the voice of teachers very strongly. We are willing to guarantee that six of those positions are indeed directly nominated by the unions as set out.

**Mr BOYER:** Given that I do not intend on making any third reading contributions, should we get that far, which I am sure we will, I might take this opportunity to make a few comments about the process we have gone through with the minister in the intervening period and the amendment before us. I would like to start by thanking the minister for the collaborative way, I think it is fair to say, that he has approached this with both the member for Port Adelaide and myself.

It has been refreshing, particularly as a newly minted shadow minister, who on the first day after the opposition announced its reshuffle received a call from the minister, which was greatly appreciated. He told me that that was what he received from the member for Port Adelaide when he took the portfolio, so I think that is a nice tradition we have kept going there. I would like to place on the record my thanks to the minister for involving me in this in a genuine and collaborative way.

As the minister has already pointed out, amendment 1 deals with the composition of the board. In the first iteration of this bill, there was a pretty significant kind of change put forward by the minister that was going to look at a reduction from 16 members to not less than 10 and no more than 14. Previously, up to that point, there had been a combination of appointments from both the Australian Education Union and the Independent Education Union, as well as representation from the Association of Independent Schools of South Australia and Catholic Education South Australia.

As the minister outlined, what is proposed in this amendment is for the board to consist of not less than 10 and no more than 14 members, and that new composition will include at least six practising teachers, with four coming from the AEU and two from the Independent Education Union. Those four positions from the Australian Education Union in this amendment, as I understand it, will include one who is a practising educator in preschool education, one who is a practising educator in primary education and one who is a practising educator in secondary education. I assume the fourth position—I will ask a question of the minister about this in a second—is probably for the

union itself to decide who will fill that role and then there are the two Independent Education Union positions, which will be up to that union, I understand, to fill as well.

Another comment I would like to make is in reference to the work that has been done by these two unions in the period between the bill being introduced and where we find ourselves today. It is a pretty incredible effort, in terms of the petition that was started by those unions, which saw in the end 11,606 signatures calling on an amendment like this to reinstate both those unions' representation on the Teachers Registration Board.

In any event, I think that is a pretty incredible effort by those unions. Given that period has been across some of the worst of the COVID pandemic, at least in terms of what we have seen here in South Australia with all the challenges thrown up by that in terms of social distancing and hygiene practices that prevented those union organisers from being able to collect signatures for a petition in the normal way that they would, it is quite remarkable that they still managed to get close to 12,000 people sign that petition. It would be remiss of me today not to offer my thanks on behalf of the opposition to those two unions for the hard yards they have done at the coalface to push for this change.

Yes, I am pleased that the minister and the government have come to the table and we have agreed on this amendment, but I think that, without the huge body of work that was done by those unions to make it clear to both the opposition and the government that that representation was important and vital and to be maintained, we might not be in the position that we find ourselves in today.

I want to thank all those people who put their name to that petition for making sure their voices are heard. I hope some of them take some pride, or solace I guess, in the fact that, in our kind of democracy, it is still possible for a petition to have some effect, which is a good thing, and a very old-fashioned form of democracy it is too. I might conclude my remarks there, Chair. Am I now able to just ask a couple of questions of the minister?

**The CHAIR:** Certainly, yes.

**Mr BOYER:** To clarify, if I could, minister—and I alluded to this in the comments I just made—in terms of the positions to the Education Union, there are four spots that will be provided to them; three are for preschool, primary and secondary. Is it right that with the fourth position the union will be able to decide who that person is without the conditions that apply to the other three positions?

**The Hon. J.A.W. GARDNER:** I thank the member for the question and his understanding is correct. I should have placed on the record earlier my congratulations to him on the very important role as shadow education minister. I hope that we have many, many years where he is able to fulfil that important role, which I enjoyed previously. I know that he will do an outstanding body of hard work. I thank him for the collaborative manner that we have been able to discuss these too.

Yes, we were very committed to the proposition that was put to us by a number of people that we should actually ensure that in the teachers who are serving on the Teachers Registration Board, the different impacts of practice and life in the early childhood years, the primary years and the secondary years should be relevant.

The fact that we have settled on there being four positions from the AEU provides some flexibility for the AEU, however they want to go about their processes, potentially in either having an extra individual on top of those three areas of merit they see fit to put forward or potentially somebody who represents an area of the membership they feel is useful to have represented, so long as they are practising teachers nominated by the Australian Education Union.

With regard to the corresponding question obviously relating to the Independent Education Union, I would hope that there would be collaboration between the unions so that there is also some thought given to the skills matrix, the background matrix of the composition of their suggestions, so that there is a diverse set of experiences on the board. Hopefully, the IEU and the AEU will give some mind to who the other is nominating so that there is that diversity but, inasmuch as the legislation proposes, the IEU will have absolute flexibility to nominate who they would like so long as they are practising teachers.

**The Hon. Z.L. BETTISON:** I want to ask a question to the minister about the remaining members who are actually nominated by the minister. One must be a legal practitioner and one must be a parent of a school student appointed to represent the community interest. How will you go about seeking that nomination?

**The Hon. J.A.W. GARDNER:** The wording in the bill in relation to those two positions reflects the current wording in the current act and, while it is a matter for cabinet who cabinet considers, I will give you the hot tip that the people the member for Port Adelaide nominated to these two very positions I am going to keep seeing if they are interested for as long as they want to keep doing it.

**Mr BOYER:** Minister, in the back and forward you and I have had we have had a couple of conversations about what might happen in terms of being able to offer the Association of Independent Schools and the Catholic Education association some kind of voice on that board. I am wondering if you can shine any light on how you might make sure that those two very important employer groups that cover a very large working sector of our school sector can still be heard in terms of this board?

**The Hon. J.A.W. GARDNER:** In the interests of answering the member quickly, I think I captured the essence of the question. If I miss anything, I hope that the Chair will not hold us to the three question rule, if that would otherwise provide. I am keen for there to be a little bit of flexibility in the other nominations. Our government has a tendency to prefer smaller boards to start with. Ensuring that the skills that are necessary for the board to function very effectively will be met. We are starting with six positions being locked up for those nominations.

Two people I think every member in the house—certainly anyone in the education portfolio—would have a strong understanding of the need for are a legal practitioner and a parent representative and the need to have those definitely locked away as positions, and then you have a chair and potentially between one and five other people on the board to fill up the rest of the skills matrix and the certain things that are useful on a board.

The position of employers of teachers is certainly a high-level priority. At the moment, the board is very large, I would say so large as to reduce the impact of its functionality. One of the things we are looking to do is reduce the size of the board but ensure that those representative bodies—those bodies such as Catholic Education SA, the Association of Independent Schools of South Australia and the Department for Education, which is of course the largest employer of teachers in South Australia—are given every opportunity to put nominations forward.

They are in the list of designated entities at schedule 1. There are 24 designated entities. It goes up to paragraph (x). I am pretty sure that is 24. I had some cause in recent times to be thinking about these things. There are 24 designated entities. What tends to happen when boards call for nominations from designated entities is that some will thank you for the letter and decline to make a suggestion, some will make a series of suggestions, some will put forward a case for one person and sometimes you get five different letters making a case for the same person.

This is not going to be a representative board, but I think that as a matter of principle it will be useful for any minister for education to take into account that employer bodies, the department and the independent and Catholic schools, obviously have a significant interest in these issues, so their nominations will be taken very seriously, as will all nominations.

I think it would be a likely outcome that you would want in most circumstances at least one of the employer bodies to suggest to cabinet for the Governor's consideration that somebody of that background be nominated. Given that we are trying to reduce the size of the board while at the same time putting in place six locked-in positions for the unions, it was certainly my view that we want to provide a bit of flexibility there rather than prescribe who has those remaining couple of spots.

**Dr CLOSE:** I would like to follow up on that question about the absence of the representation that is currently in the legislation. As the minister will be aware, we on this side sought both to fulfil the desire to see a smaller board and to make sure that there were people around the table who were part of those organisations.

In our suggested amendment, we suggested combining the catholic education and independent schools associations, to have one between them, and then of course have someone

from the education department, which the minister points out is the largest employer of teachers in this state. There have obviously been some negotiations and a determination that we will not seek to insist on that, although, should there be a restoration and a reversal of the roles, I think the shadow minister has indicated he would be interested in having another look at that in the legislation.

I appreciate a lot of the detail you have just given, minister. My question is: should you determine that the positions you have ultimate discretion over are not filled by anyone who is associated with management or leadership in those three organisations, how will you ensure that those organisations are kept closely informed about what is occurring at the Teachers Registration Board level and have an avenue to provide input on what they are seeing in the trends of teacher employment and education?

**The Hon. J.A.W. GARDNER:** I thank the member for the question and also indicate that, in relation to the universities, I think for the other group that the opposition had previously suggested should continue to have a nomination the Vice-Chancellors' Committee remains one of the designated bodies in the way I described earlier. I think the point that the member makes in asking the question is a good one, but it probably underlines one of the reasons why I am keen for us to focus on having a skills base for the board, rather than the remainder of the members who are not union nominees only considering themselves as there to represent necessarily the interests of a particular group.

When we are talking about public schools, Catholic schools and the independent sector, there is much that those three employer bodies have in common, and there are many different circumstances that are unique in any of those. I do not think it would be possible for any one person to effectively gather all the information from those three anyway. If we were to accept the principle, which is certainly this government's view, that 16 or 18 is too large—and that is the feedback I have had from many who have been on the board too—then you have to look at the engagement that the Teachers Registration Board as a whole has with those employer groups.

Every registrar, and certainly Dr Lind and Leonie Paulson are the two I have had the privilege of dealing with, and every chair—and Dr Lomax-Smith of this chamber's memory is the current chair and has been since I have been the minister—would both engage regularly with those employers. The passage of this legislation, with no longer having those representative members of the board, would probably incentivise them to do so more and I think that would be welcomed by all employer groups. The engagement that the Teachers Registration Board has of course is on behalf of all teachers in South Australia, and I think that the positive collaboration between the board and the employer organisations is critical to its functioning.

Having members who are on the board whose duty is to the board as nominees of the organisation I do not think necessarily adds value to the processes that they can put in place through the registrars, the chairs, and other members of the TRB's engagement with the employer organisations.

Motion carried.

*Amendment No. 2:*

**The Hon. J.A.W. GARDNER:** I move:

That the Legislative Council's amendment No. 2 be agreed to.

Amendment No. 2 seeks to modify clause 7 to insert a provision requiring the minister to, as best as practicable, ensure gender balance on the Teachers Registration Board. The government will support this amendment, noting it reflects the general government policy of ensuring gender balance on government boards, where practicable.

**Mr BOYER:** I have a couple of questions for the minister. Minister, what kind of commitment, if I can use that word, can you provide to the house about how you will use the remaining positions that will be appointed at your discretion to ensure that that gender balance is actually maintained? Can you give us any insight into what you might be able to do to ensure parity?

**The Hon. J.A.W. GARDNER:** I thank the member for the question. As much as practicable is an important part of it. Of course, the member may recall—I suspect that some of his colleagues

do recall—that this is in the existing legislation and has been more honoured in the breach on this board than in the observance for the simple reason that, with all of these people being nominated, there is limited impact that the minister can have. The chair being the key role—the minister has continued to have the opportunity to influence the current chair appointed. Dr Lomax-Smith is a woman, and the board is mostly women.

There have been incidents in the past where gender equity on the board was not taken up to its full extent, but I do not think that was a mistake because I think Dr Lomax-Smith was a good appointment in this role, and I think that she has done a good job.

*Mr Boyer interjecting:*

**The Hon. J.A.W. GARDNER:** I know. In this case, representation of men is what is sought if you talk about gender equity. The simple fact is that we are committed to ensuring there is as much gender equity as possible across government, and I am pleased that we have as many women in our cabinet as there were in the last Labor cabinet as well. We would like to see more. We would like to see more women role models across society in all sorts of ways, people in positions of prestige. That is a commitment that our government has: to seek to have equality in the number of women on government boards. That is a great outcome.

Of course, there are certain fields of endeavour where, of the many people who are eligible for appointment to these things, a majority may indeed be men, and there are certain fields where a majority may be women. The caveat I would put on the search for gender equity on this board is that the truth is that a significant majority of the people who are appropriate and eligible for these positions, if we are talking about the highest flyers in many areas of education, are women who work in this area, rather than men. There are more women than men who have been appointed to this board in the past.

While we would seek to ensure, as the former shadow minister pointed out when we were discussing this debate last time, that the proposition of gender equity on the Teachers Registration Board might indeed have the perverse impact of reducing the number of women in high positions in government—I do not want to see that—it does send a reminder to us to reflect on the fact that there are questions raised by a number of people in the community about boys' education and that there are certainly areas in our schools where the workforce balance in certain schools is so significantly lopsided in gender that the need for male role models in those schools is important. I think on the board that is probably less important.

There is also the question to reflect on to whether all the positions become vacant at once. Quite often on a board somebody will resign, create a vacancy or get appointed for three years, so the positions are not always going to come up at the same time. We are not going to have any control over who the unions nominate. So will I commit to guaranteeing that we will appoint more men to this board? No, but it will be a constant reminder for us, as much as practicable, to ensure that there are men on the board. There should be some men on the board at all times, and I think there always have been. I would want to see some gender diversity reflected there. I certainly would not want a good female candidate to miss out on a position just as a result of her gender.

Motion carried.

*Amendment No. 3:*

**The Hon. J.A.W. GARDNER:** I move:

That the House of Assembly disagrees with the amendment made by the Legislative Council and makes the following amendment in lieu thereof:

Page 6, lines 10 to 27 [clause 8(2)]—Delete subclause (2) and substitute:

(2) Section 10(4)—delete subsection (4) and substitute:

(4) The Governor may appoint a person to be the deputy of the following members of the Teachers Registration Board:

(a) a member appointed in accordance with section 9(2)(a);

(b) a member appointed in accordance with section 9(2)(c),

and the deputy may act as a member of the Board during any period of absence of the member.

Amendment No. 3 removes clause 8(2) of the government's bill that sets out that the Governor may appoint a person to be the deputy of one of the four specified members appointed to the board under clause 7 of the bill. This returns arrangements for deputies to those set out in the Teachers Registration and Standards Act 2004, which enables deputies to be appointed in respect of all board members.

The government disagrees with this amendment. The government does not see the need for the appointment of a deputy for every member on the board as is current practice. It is important, however, that provision be retained for a small number of deputy members to be appointed to the board to ensure the board is availed the expertise of practising teachers and a legal practitioner in the temporary absence of relevant board members with that expertise. Therefore, the government has proposed an alternative amendment in lieu of amendment No. 3.

Motion carried.

*Amendment No. 4:*

**The Hon. J.A.W. GARDNER:** I move:

That the Legislative Council's amendment No. 4 be disagreed to.

Amendment No. 4 would require the Teachers Registration Board to conduct a survey of registered teachers on the curriculum for initial teacher education in this state, and the quality and effectiveness of initial teacher education in this state generally. The survey would have to be completed at least once in every five years, and a report on the results would have to be provided to the minister and tabled in both houses of parliament.

The bill already provides the board the function to undertake research relating to the teaching profession, and this could extend to the seeking of views of registered teachers on the quality and effectiveness of initial teacher education. I would hope that members might be persuaded that, given we have given the unions six guaranteed spots, 50 per cent of the board at least—and I think in practice, the way it is set out, it would usually be more than 50 per cent of the board—will indeed be registered practising teachers.

That should comfort any in the teaching profession, who might have suggested this original amendment might not be needed, that the interests of the teachers of South Australia are guaranteed to be represented at board level. So they do not need this protection, which I suppose would impose some constriction on the other flexibility the board would have to do the research that it wants to undertake that it sees as being high-value, high-impact research that it might want to undertake instead.

Motion carried.

**The CHAIR:** Minister, so that I am clear, do you want to deal with each of these individually?

**The Hon. J.A.W. GARDNER:** I do. I think that it would benefit members who might be reflecting on this in the other chamber to have the reasons as to why the government is preferring not to pursue their amendments, so I would like to briefly explain rather than moving them en bloc, if that is allowed.

**The CHAIR:** Perfectly fine.

*Amendment No. 5:*

**The Hon. J.A.W. GARDNER:** I move:

That the Legislative Council's amendment No. 5 be disagreed to.

Amendment No. 5 sets out that if a teacher pays their annual fee for registration in advance for the full term of registration, the board must reduce the amount payable by at least 5 per cent. The setting of the annual fee for registration and provision for it to be paid up-front will be set out in regulations under the Teachers Registration and Standards Act 2004.

The board has yet to advise the government of its recommended annual fee and any associated arrangements. The government is not inclined to fix a discount on a fee not yet recommended or prescribed. A clear benefit of paying the annual registration fee up-front for the full term of registration would be that a registered teacher would not be subject to any adjustment to the annual fee that may occur over the course of the registration period such as an adjustment in line with CPI, for example.

So the benefit sought by this amendment is, in effect, something that would provide a discount to somebody for paying up-front on what would already, in effect, be a discount on the fact that, if they pay every year one year at a time, then they would be subject to whatever increases happen in the fee one year at a time, and that yearly payment is a new feature that would be allowed here. Whereas having the full payment up-front, you would already get around the impact of any of those CPI increases, for example, that might happen every year.

So there is already some level of discount and, to provide a further discount to those who are paying up-front—and, of course, this is a board whose costs are covered by its fees. So the impact of providing a further discount would only be to increase the costs for those teachers who potentially are not in a position to pay their full fee up-front, and we do not think that is reasonable. I think the Teachers Registration Board has outlined why it is also impractical.

Motion carried.

*Amendment No. 6:*

**The Hon. J.A.W. GARDNER:** I move:

That the Legislative Council's amendment No. 6 be disagreed to.

Amendment No. 6 removes reference to adopting codes of conduct or publishing or adopting professional standards from the new section 31B that is to be inserted by clause 26 of the bill. The government opposes this amendment.

New section 31B provides for the board to publish or adopt codes of conduct and professional standards. If the board, following consultation with teachers and other relevant stakeholders, determined that it should adopt an existing code of conduct or professional standard under the act, rather than developing and publishing one itself, it should be able to do so. The board already, in effect, adopts the Australian professional standards for teachers in South Australia. The new section 31B will formally recognise the board's role in adopting these standards.

Motion carried.

*Amendment No. 7:*

**The Hon. J.A.W. GARDNER:** I move:

That the Legislative Council's amendment No. 7 be disagreed to.

This amendment provides for any code of conduct published by the board under the new section 31B to be subject to sections 10 and 10A of the Subordinate Legislation Act 1978. Under these sections a code of conduct would have to be laid before the parliament, considered by the Legislative Review Committee and could be disallowed by resolution of either house of parliament.

I do not believe that there is any benefit that would arise from allowing the parliament to disallow a code of conduct published by the board after consultation with the profession and other relevant stakeholders, and so the government seeks the concurrence of the house and the council to disagree with the amendment.

Motion carried.

*Amendment No. 8:*

**The Hon. J.A.W. GARDNER:** I move:

That the Legislative Council's amendment No. 8 be disagreed to.

This amendment is consequential to amendment No. 6, and therefore the reasons for opposing amendment No. 6 apply equally here.

Motion carried.

*Amendment No. 9:*

**The Hon. J.A.W. GARDNER:** I move:

That the Legislative Council's amendment No. 9 be disagreed to.

This amendment proposes to further modify new section 31B to include a requirement for the Teachers Registration Board to undertake consultation with specified stakeholders prior to publishing a code of conduct. The government supports the notion that the board should undertake consultation in relation to publishing or adopting new codes of conduct or professional standards, and the presiding member and the registrar of the board have indicated that it would absolutely be their intention to do so administratively. They give that commitment. They gave it to the shadow minister, they have given it to me, and on their behalf I am sure they will not mind me sharing that with other members of parliament.

The process, however, proposed under the amendment as suggested by the Legislative Council is unlikely to be practical in all circumstances, particularly as there are no exceptions to the requirement to consult in relation to even any minor amendments or corrections to a code or standard that may be needed from time to time.

I reiterate that we are talking about a proposition where the code of conduct is supervised by the Teachers Registration Board, a body of people which now includes—if the amendments proposed are passed as suggested—direct representation from the unions. So, their interests should be understood, and indeed the expectation is that they will be consulted on widely. I know that certainly the government supports the motion that the House of Assembly disagrees with this amendment.

Motion carried.

*Amendment No. 10:*

**The Hon. J.A.W. GARDNER:** I move:

That the Legislative Council's amendment No. 10 be disagreed to.

This is another amendment that is consequential on amendment No. 6. I explained the reasons why the government supports the disagreement with that amendment, and they may be again read in relation to amendment No. 10.

Motion carried.

*Parliamentary Procedure*

## STANDING ORDERS SUSPENSION

**The Hon. A. KOUTSANTONIS (West Torrens) (16:29):** I move:

That standing orders be so far suspended as to enable me to move a motion without notice forthwith.

**The DEPUTY SPEAKER:** Member for West Torrens, I need to count the house to see if there is an absolute majority. There being an absolute majority, member for West Torrens.

**The Hon. A. KOUTSANTONIS:** I seek to suspend standing orders to enable me to move the following motion:

That this house—

1. Condemns and censures the member for Unley for his statements in the House of Assembly on 23 September 2020, when he deliberately and wilfully used anti-Semitic taunts and insults towards the member for Reynell.

2. Reaffirms that this house will not tolerate or accept racist and anti-Semitic conduct from any member of the House of Assembly; and

   (a) calls on the member for Unley to immediately apologise to South Australia's Jewish community for his racist and anti-Semitic conduct in the parliament of South Australia; and

(b) condemns the member for Unley for his racist appropriation of religious symbols sacred to the Jewish people for the purposes of political insults.

**The SPEAKER:** There is a motion to suspend standing orders; is it seconded?

**An honourable member:** Yes, sir.

**The Hon. A. KOUTSANTONIS:** The reason I wish to suspend standing orders, and I believe it is urgent that we consider this matter now, is that I believe nothing is more urgent than stamping out anti-Semitic and racist behaviour when we see it, immediately. It is fair to say that we were all pretty shocked at the racist and anti-Semitic behaviour and the taunts used by the member for Unley.

If this house does not suspend standing orders now, it means we walk by the abuse we saw and therefore that is the standard we accept. I do not believe any member of this house, other than the member for Unley, would accept anti-Semitic and racist taunts. I have seen it in this house too often and it has to stop. This is a new century. This parliament is diverse. This parliament has lots of different ethnicities and faiths in this building. We should honour them all. We should not allow the appropriation of religious symbols for any other purpose.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Point of order: I believe at the moment we are debating the urgency of the suspension of standing orders, not the broader issues of racial discrimination, which the member is talking about.

**The SPEAKER:** The nature of the motion is being addressed by the member for West Torrens and I am listening carefully. I do remind the member for West Torrens to stick to the need to suspend standing orders.

**The Hon. A. KOUTSANTONIS:** Thank you, sir. The reason I think it needs to interrupt the business of the house is that this house cannot tolerate that behaviour. It just cannot tolerate it. We cannot go on as if nothing else happened. We cannot just assume that racism when it occurs and we see it and we are all horrified by it—and I have to say, to the government's credit, many members of it were also horrified by the racist conduct of the member for Unley. That is why it is important that we deal with it now. The house has time. The house has the ability to suspend its standing orders now and consider this immediately and censure this member.

The merits of censure will be debated if the standing orders are suspended, but the question we have to ask ourselves now as a chamber is: do we go on with the rest of the day's business and ignore what we all know, saw and heard happened in this chamber? Do we just ignore it? Do we walk by it? Do we say it is okay? The idea that we walk by a political insult using a sacred religious symbol like the Star of David, and its connotations to what occurred in the past being applied as a political insult, I think breaches any decency standard set by anyone.

I know members opposite are just as horrified, and I have to say I bet you they are just as sick of this member doing it over and over again. There is form, so we do need to suspend standing orders. We cannot just go on as if nothing else has happened. We cannot just pretend that a withdrawal is enough. A censure must be debated. This house must stop it.

Members may or may not choose to suspend standing orders to allow us to debate this. They may wish to go on to the ordinary business of debating the Electoral (Miscellaneous) Amendment Bill or the FOI bill or even an adjournment, but I have to say that we need to stop right now, nip this in the bud right now and 46 of us condemn the one who behaved appallingly.

It gives me no pleasure that in 2020 I feel the need to stop the conduct of the house and suspend standing orders from the normal business that the people require from us, that the government have prioritised for us to debate. They are important matters. We have important disagreements over those matters, but what is more important is what the people see of their house and their representatives and about what they view on religious tolerance and decency.

I have been called racist names in this parliament before. I have seen it happen in the other chamber. I have seen racism in politics. It is abhorrent, it is awful and both sides have condemned it. So here it is again before us. Do we walk by it or do we do the right thing, allow the debate, censure the member and move on and give the member the opportunity to apologise to the Jewish community, give him the opportunity to understand the hurt that he caused the member for Reynell,

give him the opportunity to understand that his behaviour is unacceptable in the 21st century, that it is unacceptable of any standard in any Westminster parliament and that it is unacceptable in any decent gathering of people here to do the people's business?

I do not know if it was just a rush of blood, but I think that calmly and quietly we should stop the business of the house just for a moment—half an hour—debate the censure, pass it and move on. Just to reassure the government, the motion does not call for the minister to be terminated. What we are saying is that we want him to understand the hurt he has caused. We want him to understand what it means to be Jewish and what the Star of David means to them. It is not something to be trivialised or thrown about as a political insult. It is not something to be thrown around as in a bar-room brawl. It is sacred and it means something: it is God's promise to the people of Israel.

I have to say that if we cannot find half an hour to talk about that, what can we do? Nothing is more important than immediately stamping out racism where we sit. I ask members to consider the suspension and to consider that it will do no harm. It will do good for all of us. It will allow this house to maintain the dignity that it deserves and is expected and demanded by the people of South Australia.

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:38):** The government will not support the suspension of standing orders. Let me say very clearly that we will not support the suspension of standing orders. That is not to say that we do not agree with some of the comments made by the member for West Torrens. I am sure that almost all of us in this house have identical views, and the ones that are not identical would be extremely similar.

*Members interjecting:*

**The SPEAKER:** Order! The member for West Torrens was heard in silence. The Minister for Energy and Mining is entitled to be heard in silence.

**The Hon. D.C. VAN HOLST PELLEKAAN:** Thank you, Speaker. What I said was that almost all of us would have identical views about racism, and some of us would have slightly different views through our slightly different experiences. Some people would have experienced racism; some people would not have experienced it. Some people, like me, would have family members only three generations ahead of me who were victims of the Holocaust. Most of us will have a very similar, if not identical, view, but we will all be broadly in the same boat through our different experiences.

My experience is strong on this issue, but that does not mean that I support the suspension of standing orders. They are two very different things. The opposition and the member for West Torrens have other means at their disposal, if they choose to pursue this issue, other than suspension of standing orders, and they are quite within their rights to do that.

With regard to the member for Unley, I do not believe for a second that he is racist. I do believe that he was called out and asked to apologise for his remarks, and he did so. He was asked twice to apologise for his remarks, and he did so. Mr Speaker, that is what you asked of him at the time, when members of the opposition identified the remarks that he made, and he immediately did exactly that, so, Mr Speaker, at least to your satisfaction at the time, it was dealt with. If to the opposition's perspective it has not been dealt with sufficiently, there are other means for the opposition to pursue that, but the government does not believe that a suspension of standing orders is the right way to go.

**The Hon. A. KOUTSANTONIS (West Torrens) (16:41):** I thank the Leader of Government Business for his remarks. It shows the deep-seated view we all have to combat racism, but I point out to the government that, when the member withdrew, his opening remarks to the house were, 'I don't think I said that.' They were not those exact words; I apologise to the house. I have inquired of members of the parliament about what exactly it is they heard, including members who are not members of the opposition. It is not enough. This parliament needs to stop for half an hour, debate this censure, let the member for Unley have his say, let us have our say and heal this wound that has been inflicted on the parliament by one member.

It is a wound that we need to heal now, and we can do it in a constructive and bipartisan way. It does not have to be Labor versus Liberal. It can be South Australians standing up together and condemning racism with one voice and saying that anti-Semitic behaviour will not be tolerated.

The parliament can suspend for half an hour. Every member of the opposition is prepared to stay half an hour extra to do the government's work. None of us will leave until the government is prepared to adjourn the house. We will stay in the parliament as long as you need us. As long as you need us here tonight, we will stay.

What we ask is that we heal this scar now and that the member for Unley face the other 46 electorates and his own about his remarks in this chamber. It is not acceptable to have a member use that type of language against another in this chamber because it trivialises the hurt of so many people around the world that is continuing even today.

All it does is empower crackpots and loonies to feel that there are people in authority and power who sympathise with them. I know no-one in this chamber does and we should condemn it immediately, so let's stop for half an hour, suspend standing orders, debate this motion, censure the minister, heal the wound, apologise to South Australia's Jewish community for the hurt they have suffered and move on and get back to the FOI bill, the electoral amendment bill and the people's business whole again.

**The SPEAKER:** I accept the motion insofar as it is a motion that standing orders be so far suspended as to enable the member for West Torrens to move a motion forthwith. Is that seconded?

**Honourable members:** Yes, sir.

The house divided on the motion:

Ayes.....19
Noes .....23
Majority .....4

AYES

| | | |
|---|---|---|
| Bedford, F.E. | Bettison, Z.L. | Bignell, L.W.K. |
| Boyer, B.I. | Brock, G.G. | Brown, M.E. |
| Close, S.E. | Cook, N.F. | Hildyard, K.A. |
| 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. | 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. | Treloar, P.A. | van Holst Pellekaan, D.C. |
| Whetstone, T.J. | Wingard, C.L. | |

Motion thus negatived.

**The SPEAKER:** There being 19 votes in favour and 23 against, the motion lapses.

*Bills*

## FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

*Second Reading*

Adjourned debate on second reading.

(Continued from 21 July 2020.)

**The Hon. S.C. MULLIGHAN (Lee) (16:49):** Mr Speaker, things have changed since we were last debating this bill, none the least your respective position within the chamber, which will remove my opportunity for some of the more officious comments that I might otherwise make. I was, the Deputy Premier might be pleased to hear, in the midst of concluding my remarks as we had to pause in the consideration of this bill. In doing so, I was making some of my customary brief remarks about some of the changes that the bill seeks to make to the act itself.

When we last parted ways, we were speaking about the new provisions the bill seeks to insert about the appeals from external review to the Ombudsman and to the South Australian Civil and Administrative Tribunal. Moving on from those provisions are some relatively minor amendments about the service of documents and, at clause 37 of the bill, something that if my memory serves me correctly the Deputy Premier had a previous interest in, as did the current member for Hartley, and that is the insertion of penalties about improper direction or influence when it comes to making determinations pursuant to the act.

As I outlined, in a couple of previous instances regarding applications I had made, those new provisions that the bill seeks to insert would have been most welcome, given the clearly improper influence that some people were exerting in the determination process. I made specific reference to an application I had made for documents regarding the Adelaide Oval Hotel and the delayed determination due to the documents and the covering letter, the determination itself being made available for release, sitting in the in-tray, I was led to believe, of the then Chief of Staff to the Premier, the now federal member for Sturt, the Hon. James Stevens.

There are some changes regarding fees and charges, which we will seek to discuss further in the committee stage, and some changes to the exemptions surrounding cabinet and Executive Council documents, including the attempt in the bill to enshrine what has become known as the 10-year rule for cabinet documents and being able to access cabinet documents.

I think that is currently done in a somewhat intensive and deliberately cumbersome process where, rather than seeking access to a cabinet document, one must lodge a freedom of information application for that document, which is then assessed as if it were a regular FOI application, albeit with the change that unless there is some other reason why those documents should not be released, notwithstanding it is a cabinet document, it can be released under the act.

I made reference in my earlier remarks that we have a suite of amendments that the opposition is seeking to move. I also understand that there are crossbench amendments, and I think the Deputy Premier might have some amendments as well to pursue in the committee stage. On the basis of my comments to the house previously, members will not be surprised to learn that the amendments the opposition seeks are extensive. There are over 60 of them. They seek to ensure that some of the changes the Deputy Premier proposes in the government's bill are not successful.

In particular, they are trying to fundamentally change the objects of the act that currently favour the release of documents. As I have mentioned, that fundamental change to the act seems to be intent on curtailing the applicant's access to government documents and also changing the manner in which documents are released and the obligations on departments in making freedom of information determinations.

In short, this is a bill that would substantially reduce public access to government documents. It does not enhance government access to public documents and that should not be, in principle, something that the parliament supports. Given the complaints in recent years of those opposite, who are now finding themselves occupying the treasury bench in forming government, about their frustrations in being able to get access to documents, and particularly since the now Deputy Premier and some of her colleagues have been in this place, we would have thought that this bill would have sought to expand the public's access to documents, but unfortunately it does the opposite. I will not go chapter and verse into the detail of what our amendments seek to do. I will save that for the committee stage. With those few and brief remarks, I conclude my contribution on this bill.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:56):** I thank all members for their contributions in relation to this bill, and indeed a very large number of submissions have been received throughout this debate and development of reform. In particular, I thank the Ombudsman, Mr Wayne Lines, who has done

quite a significant amount of work. He is frequently the arbiter of a number of the applications in dispute and so has an excellent working knowledge of what is required. I place on the record the concern I have in leaving unanswered the pitted history of the development of freedom of information law.

**The Hon. S.C. Mullighan:** Potted.

**The Hon. V.A. CHAPMAN:** Potted—this is certainly pitted this lot, but it is because there are a lot of holes in it. Although the member for Lee extols the virtues of the former Attorney-General, the Hon. Chris Sumner, as somehow or other being the architect of the development of this bill, I think it is important to recapture what has been said. He suggested there had been a working party established under the Dunstan regime. There had been nothing done at that time, including through the Tonkin era. But between 1982 and 1989 apparently it is the fault of all the Sir Humphreys in the department in trying to stop the freedom of information law developing in a statutory form, until 1989, when he credits some advancement.

For the benefit of the member of Lee, and any other of the few people who might be interested in this history, can I say that it should not go unnoticed that freedom of information law was in discussion from the early 1970s. Indeed, the Hon. Gough Whitlam, Prime Minister of Australia for a fairly short time, nevertheless promised that he would introduce freedom of information laws at the commonwealth level before his election in the early 1970s. He did not ever do it—that is noted. The subsequent government, under the Fraser administration, convened a significant body of work of inquiry as to how that would operate, and ultimately was progressed at that level. It is true that the Labor government under the Bannon administration in the 1980s took a long time to pick that up, but nevertheless they did.

We are here now to address a bill that is hopefully going to bring the freedom of information law, which had its genesis back in 1989, into the 21st century. It is a long time coming. It has been a long period of time since important people, such as the Ombudsman, have brought this to the attention of the parliament in their reports over many years, which have gone unheeded. I am proud to say that, notwithstanding the failure to advance any of this during the previous government's administration, as the new government we have done so.

We look forward to there being a contemporising of this legislation for the benefit of all the members of the public, including members of parliament. As a member of the opposition for 16 years, I can say it is true that there is a frustration with the particular capacity of governments and departments to be able to claim transparency and in fact be very opaque. This law has a good basis. It is important that it be improved now for the 21st century, as I said.

I acknowledge the amendment filed by the member for Frome relating to the proposed proactive disclosure requirements, especially as they would apply to local councils. I flag that I will be moving amendments in response to the member for Frome's concerns to ensure that proactive disclosure requirements are prescribed in regulations and more readily amenable to parliamentary scrutiny.

I will take the opportunity to address a number of other points raised by the member for Lee in his second reading contribution, which relate to amendments he has filed. The honourable member asked what involvement or consultation there was with the current Ombudsman in the development of this bill. The review of the act, I advise the parliament, that gave rise to this bill was started with a comprehensive submission from the current Ombudsman. In addition to supporting the various legislative recommendations of the former Ombudsman in the 2014 audit report, the current Ombudsman made many further suggestions for changes to the FOI Act, which have been incorporated into this bill.

The Ombudsman was then consulted twice again in the form of the draft bill and his suggestions for changes taken into account in finalising the bill for introduction. The Ombudsman, Mr Wayne Lines, has therefore been instrumental to this review of the act and this bill, with valuable contributions also from the various agencies that administer the act, as well as members of the public and the media as users of the act.

Turning to the specific points made by the member for Lee in relation to amendments filed by the opposition, the first is in relation to the new principles and objects provision to be inserted in the act by the bill and the omission of any specific reference in that to ministers of the Crown. This provision was drafted in accordance with recommendations contained in the former Ombudsman's 2014 audit report on agency compliance with the FOI Act, itself informed by more contemporary wording in interstate legislation.

As is the case in those interstate acts, there is no specific reference in the new provision to the accountability of ministers of the Crown. 'Agency' is defined in the act specifically to include a minister of the Crown; therefore, it is completely unnecessary to specifically include an additional reference to ministers. In relation to the member for Lee's discussion of the media submission for publicly assessed benchmarks and sanctions by a departmental fulfilment of requirements under the FOI Act, the government agrees with the need for these.

There is an existing requirement in section 54 of the FOI Act to report annually to parliament on the administration of the FOI Act. These annual reports contain detailed reports on benchmarks, such as the number and time of applications; the time taken to resolve applications; the outcomes of applications, including the numbers of refusals, determinations to release in full, determinations to release in part; and, further, the reasons for refusals, also the most commonly applied exemptions, the outcomes of internal reviews and others.

In terms of sanctions, there are existing disciplinary and enforcement mechanisms in the FOI Act and other legislation, in particular under the Ombudsman Act. Both the Ombudsman and the SACAT are empowered under the FOI Act in sections 39 and 42 to report evidence that an officer of an agency has been guilty of a breach of duty or of misconduct in the administration of the FOI Act, with sanctions flowing from that in public sector legislation and codes of conduct.

The Ombudsman is also empowered under the Ombudsman Act to investigate an agency's handling of an FOI application and recommend remedial action. For example, in a recent such investigation, the Ombudsman recommended that the agency in question change its FOI policies and procedures and have its FOI officers undergo further FOI training, as well as making specific recommendations on how the agency deals with FOI applications, including not dealing with applications in separate parts and responding to all email communications in a timely manner.

I refer to the Ombudsman's report of April 2020, entitled 'Northern Adelaide Local Health Network: investigation of agency's handling of Freedom of Information Act application'. In such an investigation under the Ombudsman Act, the Ombudsman would request the agency to report back on the implementation of his recommendations. Further, if it appears to the Ombudsman that appropriate steps have not been taken to give effect to a recommendation, the Ombudsman may report the failure to the Premier and request copies of that report be laid before parliament pursuant to section 25 of the Ombudsman Act.

In relation to submissions and the filed amendments that the FOI application fee should be refunded if an agency exceeds a time frame for dealing with an application, the bill adopts a compromise approach to require a refund of processing costs where the time frame is exceeded. This follows advice from agencies that the work involved in processing refunds of application fees would itself be a significant administrative burden and an additional cost to agencies.

Finally, it is apparent that there is some misunderstanding about the effect of the bill's amendments relating to SACAT reviews. For applicants, there is no charge to the range of matters that may be reviewed by SACAT. The bill increases an applicant's external review rights to the Ombudsman by adding in grounds to review an agency's determination not to give access to a document on the basis that it cannot be found or does not exist. This is not currently reviewable by the Ombudsman or SACAT under the act.

This additional ground of review at the external review stage is not replicated at the SACAT review stage because SACAT lacks the investigative capabilities that the Ombudsman's office has to review a determination relating to a sufficient search. Currently, agencies are limited to seeking SACAT review only on a question of law. The bill would broaden agencies' review rights so that they are able to apply to SACAT for a review of a decision by the Ombudsman that a document was not an exempt document.

This amendment, together with the other amendments relating to SACAT reviews, arose from submissions to me by the current Ombudsman. Also, importantly, the bill does not change the position under section 40(8) that, in the case of any SACAT review brought by an agency, SACAT must order the agency to pay the other party's costs.

I will deal with the remainder of the filed amendments during the committee stage. However, to sum up the government's commitment to undertake a review of the FOI Act, the former and current ombudsmen have highlighted South Australia's legislation is lagging behind other states which have overhauled their equivalent legislation in the last 10 years or so. The Labor government, of course, had 16 years to do this. They did not.

It is particularly the case that a number of transparency measures, including legislative proactive disclosure, have been developed in other jurisdictions. However, these interstate acts also have recognised the need for additional provisions designed to increase sufficiency in administering the act and cut down on abuses of the right of access. Accordingly, the opportunity has been taken to bring our act more closely in line with those acts in respect of these efficiency changes, as well as the transparency changes.

It needs to be borne in mind that the objective of all changes in the bill is ultimately to increase transparency, including where this is by increasing efficiency in the administration of the act. Increasing efficiency and cutting down on the abuses of the act enables agencies to deal with more applications for access. I look forward to a constructive discussion and debate during the committee stage, and I indicate that in relation to the member for Lee's tabled amendments there has already been very significant provision to remedy in this bill some of the concerns that he has raised.

I just say in conclusion that there were a number of complaints during the debate about the reduction in time to do certain processes, or an expansion on behalf of the responding party—usually the agency—to enable there to be provision of records, documents or information that is sought. I can say that there has been no change to time frames that has been initiated by this government. The practical implementation of the time frames has been as a direct result of those who actually manage these, and they are not just the agencies but most importantly the Ombudsman and the processes that his office needs to go through in dealing with these matters.

If there has been a demonstrated need to tighten those, then of course this would be considered by the government, but we are persuaded by the submissions that have been put on multiple occasions by the former Ombudsman in his report in 2014 and the current Ombudsman, and we are mindful of trying to ensure that the obligations of agencies are fulfilled, provide an appropriate review and provide significant appellant inquiry availability at reasonable cost to the parties.

Finally, I say that in relation to the amendment of the records, that is, to correct errors in public records, I think only once in the time I have been in the parliament has anyone actually come to me to ask for records to be changed; that is, they have identified an error usually in their own personal records. So, it is a very rare application as I understand it on inquiry with some of the agencies, such as the Ombudsman's office, that that appears to be the case.

However, it is an important part of the legislation nonetheless. I think that the public ought to be reminded that they have the right under Freedom of Information Act laws in South Australia to have a process by which they can present material, obviously, to support an application to correct false or inaccurate information without the sort of intention that it might have been put to ensure that those records are set straight. It is just a reminder to the general public that that is available, and if members do receive some inquiry from constituents that they have an opportunity to utilise that process.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**The ACTING CHAIR (Mr Pederick):** Member for Lee, do you have any indication where your first question is, which clause? Is it on clause 1?

**The Hon. S.C. MULLIGHAN:** Such is my desire to be collegial on this matter, Mr Acting Chair—

**The ACTING CHAIR (Mr Pederick):** So helpful, member for Lee.

**The Hon. S.C. MULLIGHAN:** As always. I am here to please.

**The ACTING CHAIR (Mr Pederick):** You are here to help. You are from the opposition and here to help.

**The Hon. S.C. MULLIGHAN:** I am willing to concede the first three clauses. We have no issue with the first 7 or 8 per cent of the bill. We are racing through this.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

**The Hon. S.C. MULLIGHAN:** I move:

Amendment No 1 [Mullighan–1]—

Page 3, lines 16 to 18 [clause 4, inserted section 3(1)(a)]—Delete paragraph (a) and substitute:

(a) that this Act should promote openness in government and accountability of Ministers of the Crown and other government agencies and thereby to enhance respect for the law and further the good government of the State;

This amendment seeks to reinsert or retain, I should more accurately say, the current provisions of the act with regard to the act's objects. If you look at the objects as they are set out in the current act in section 3, you will see that there is a specific reference to the objects of the act being to promote openness in government and accountability of ministers of the Crown and other government agencies.

I am willing to concede to the Deputy Premier that a change that she has in her bill in this regard might in part find its genesis in one of the recommendations of the former Ombudsman's report from 2014. However, as the Deputy Premier herself is not wedded to recommendations of the Ombudsman, either former or present, when it comes to amendments to the FOI Act, neither do I feel that in this regard this amendment contained in the Deputy Premier's bill should be made to the act.

What I am seeking to do is remove from the bill some of the new provisions that the Deputy Premier seeks to insert into the objects of the Freedom of Information Act and retain those words that I just mentioned, and that is that paragraph (a) is effectively retained in the existing act. You will see those words:

(a) that this Act should promote openness in government and accountability of Ministers of the Crown and other government agencies and thereby to enhance respect for the law and further the good government of the State…

I think it is a concern that what the bill from the Deputy Premier proposes is this wishy-washy reference away from those people that this parliament holds responsible for the administration of the state, that is, ministers. It removes ministers and instead makes some vague reference that 'representative democratic government is supported and enhanced by ensuring that proper public scrutiny of government activities occurs'.

That is less specific and less onerous on ministers. It should be onerous on ministers, because they are the ones who are responsible for the administration of the state. They are responsible to this parliament and to the public, and I cannot support the removal of the objects of the act and its reference to ministers. I would encourage all members to support my amendment in that regard.

**The Hon. V.A. CHAPMAN:** The government opposes this amendment. It really just keeps us in the Dark Ages. The contemporary language is there. It makes very clear the need for the

representative democratic government to be supported. Obviously, representative democratic government includes ministers of the Crown. I explained earlier that it would replace, essentially, the same language that we used to have. The provision would seek to replace it with not a principle, rather an objective, that this act should promote openness in government and accountability of ministers of the Crown and other government agencies.

The objects this amendment would seek to move are the in-principles section of the bill, a provision I have already adequately covered in the objectives part of the bill, provisions (2)(b) and (c). I just ask the member to consider that we really do want to bring this into the 21st century and it is already 2020.

**The Hon. S.C. MULLIGHAN:** There is no relevance to the Attorney's comment that this is about making the wording of the act more contemporary or bringing it into the 21st century. What it does do is make it more obscure and irrelevant to the purposes of the FOI Act. 'Representative democratic government' is literally a nonsense.

We have a democratic representative process in South Australia and we go through it once every four years—that is, the election of members of parliament to represent their communities. That is quite separate from what the current act is alluding to, which is the concept of responsible government, where ministers of the Crown are responsible to the parliament, responsible to those representatives of the community here in parliament, for the administration of the state.

Believe you me, sir, it is a very calculated and deliberate act of the government to try to remove the reference to ministers of the Crown and hence water down the accountability of ministers via the Freedom of Information Act. It should not be supported.

The committee divided on the amendment:

Ayes ..... 19
Noes ..... 25
Majority ..... 6

AYES

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

NOES

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

Amendment thus negatived.

**The Hon. S.C. MULLIGHAN:** I move:

Amendment No 2 [Mullighan–1]—

Page 3, line 19 [clause 4, inserted section 3(1)(b)]—After 'held by' insert 'Ministers of the Crown and'

This, of course, similar to the previous matters we were discussing, seeks to reinsert the importance of ensuring that ministers of the Crown, as well as agencies, are to be held accountable by the act itself. In her brief remarks summarising the second reading, the Deputy Premier pointed out that, for the purposes of the current act, ministers of the Crown are indeed agencies, which would perhaps then lead you, sir, to think that my amendment in this regard would be superfluous.

However, there are subsequent amendments, which the house will yet enjoy, which seek to delineate somewhat ministers from agencies so that, for example, ministers, for the purposes of making a determination under the act, are not held to be the principal officer of the agency.

For example, where a freedom of information application is made to the office of the minister, the minister being defined as an agency themselves, that minister, as a person, finds themself as the principal officer of that agency and makes the determination. In that context, you can see the clear conflict of interest that a minister has in making a determination pursuant to the act where they are determining whether access is granted or withheld from access to documents. This small amendment really precedes later amendments, which serve to give effect to that broader, more important change about separating a minister from that role as principal officer of the agency.

**The Hon. V.A. CHAPMAN:** The government opposes the amendment, largely for what I have already said. It is not the intention of the government that we would change the provision of the definition of agency in section 4 of the existing act. Whilst I know it is foreshadowed in the member's amendments, I do not know why there is suddenly some inconsistency. There is a role for ministers of the Crown in the freedom of information law. They need to be accounted for and they are in the definition of agency.

I do not know why suddenly, after 16 years of Labor government, the issue of having the definition of agency including the minister of the Crown, which has not been identified by any other party as necessarily needing to be separated, should suddenly be so. I see it as really complete window-dressing and, frankly, it would also risk the confusion of interpretation because of the other types of agencies included in the existing definition of agency, such as councils and incorporated and unincorporated public bodies, which are also not specifically referred to in this amendment.

If the member had identified that there was some actual impediment to this continuing in this process, of course we would have a look at it, but no-one else has identified this, and it seems to me we need to not try to frustrate the application of the act and make it more confusing; we need to make it clearer for those who want to have the benefit of getting access to documents.

**The Hon. S.C. MULLIGHAN:** It is regrettable that the Deputy Premier will not be supporting this. She claims this will make the act more confusing. Indeed, it is a problem. It has been a problem. I am sure it has been a frustration for her in the past as a member of parliament, let alone as a shadow minister prior to this last state election, that she may have made an application to a minister for documents—for example, documents including correspondence to a minister or correspondence from a minister to another party, briefing papers to a minister and so on—and the minister then determining that application.

That is not something that is anywhere close to ideal. There is a clear incentive for a minister to make a determination to withhold documents which may be embarrassing to them. I said in my second reading contribution that in the time that I was a minister I found it uncomfortable I was being asked to make those determinations. I would have thought that, when other members of parliament were seeking access to documents they believed I may or may not have had, if I made a determination they would immediately see the risk of a political lens being placed over the making of the determination by a minister.

Perhaps the Deputy Premier's complaint is that it is an issue I have identified and so it cannot be really a substantive issue worth addressing, but if that is the case it is also regrettable. But this is a problem. It is a problem that needs to be addressed. It is no longer feasible, as we have seen the administration of freedom of information law over the last 30 or so years here in South Australia, that we now have, by and large, a practice by many agencies, government departments, including ministers, that do not adhere to the object of the act—that is, that documents should be made available wherever possible—and instead are finding any possible reason whatsoever to withhold

access to those documents. That is certainly the experience of most people with the FOI regime here at the moment. I do not think many people could disagree with that.

The tedious and tenuous arguments put forward in determinations, either from agencies or from ministers acting as principal officers, about the lack of access to documents they claim are cabinet documents pursuant to schedule 1 are a prime example of that. The number of times I have received external review determinations from the Ombudsman that have called out those clearly wrong determinations by agencies brings this to bear.

This is in itself a relatively small amendment but one that contributes to a later much broader amendment about ensuring that ministers cannot find themselves in this position of having a clear conflict of interest in being the principal officer and making a determination. It is one that we think the parliament should support and accordingly we urge the house to support this amendment.

**The Hon. V.A. CHAPMAN:** I have one further comment to make, and that is this: I do not agree that there is—

**The Hon. S.C. MULLIGHAN:** I do not believe the Attorney has the opportunity to make a comment. It was my amendment. I have moved it, she has spoken to it and I have closed it off.

**The Hon. V.A. CHAPMAN:** I can speak three times on the amendment.

**The ACTING CHAIR (Mr Pederick):** She has three contributions, so she is fine. Thank you, member for Lee.

**The Hon. V.A. CHAPMAN:** I will try to be brief. I do not agree that there is a conflict of interest. I reiterate to the member for Lee that if there is evidence that there has been some abuse of process by a minister, then I am happy to hear about it, but the Ombudsman has not picked this up. If there are grounds that have been claimed for the redaction or the non-disclosure or the non-production of documents that are unmeritorious, then there is an appropriate review process to deal with that.

I do not disagree with the member that there will be differing views about whether something is in the public interest or whether it should be covered by cabinet confidentiality or all the many provisions that are in the FOI law. If there is some misconduct in relation to any agency, whether that is a minister of the Crown or officers who are defined there, then we ought to have that information brought to us, but really the matter is reviewable and there is a process to do that. Again, I think the member's contribution really has not satisfied the government that there is any basis for the need for this. There is no conflict of interest.

**The Hon. S.C. MULLIGHAN:** Let's take this opportunity to call out the Deputy Premier's line of argument: 'This can't be an issue because the Ombudsman hasn't brought it to the attention of the Deputy Premier.' We know, of course, that issues the Ombudsman has raised with the Deputy Premier have been completely ignored in this bill. We know this because in the last month itself we have had two media reports where the Ombudsman is directly quoted complaining about agencies' performance in making freedom of information determinations, in particular when it comes to external review determinations that the Ombudsman has made where he has ordered that agencies release documents to applicants.

There have been times in the last year or so—by one media report, 16 separate occasions—when SA Health has refused to release documents to applicants despite the Ombudsman having ordered that those documents be released to the applicants. In that case, the Ombudsman is quoted in that media article as saying he has recommended that changes to the FOI Act be made to ensure that the Ombudsman's determinations are enforceable on agencies. The Deputy Premier has not taken that up and has certainly not taken it up to the satisfaction of the Ombudsman.

So this is a bogus argument that the Deputy Premier makes: 'I'm sorry, member for Lee. It's your idea. It's not the Ombudsman's idea, so it doesn't hold credence.' What that serves to mean for the Deputy Premier's purpose is: 'If only the Ombudsman had recommended it, I would have taken it seriously and it would have found its voice in the bill.' We know now that when the Ombudsman recommends things they also get ignored by the Deputy Premier. There is a clear conflict of interest. There is no credible argument against that.

Of course, when a minister has documents that have been located by their office, that have been found, and then makes a determination that they should not be released to an applicant for some reason—often spurious—and determines that there is no conflict of interest, usually because those documents might serve to embarrass them or embarrass the government in some way, that is a clear conflict of interest.

Amendment negatived.

**The Hon. S.C. MULLIGHAN:** I move:

Amendment No 3 [Mullighan–1]—

Page 4, lines 2 to 7 [clause 4, inserted section 3(1)(c)]—Delete:

'should have an enforceable, presumptive right to access such documents and information, subject only to such restrictions as are consistent with the public interest (including maintenance of the effective conduct of public affairs through the free and frank expression of opinions) and the preservation of personal privacy' and substitute:

have an enforceable, presumptive right to access such documents and information, subject only to such restrictions as set out in this Act

This amendment is again on clause 4. You might think that clause 4 is getting a lot of attention, sir, and you would be right, given the horrific surgery the Deputy Premier's bill seeks to do to the existing objects of the act.

This amendment seeks to effectively change what we have in the bill by deleting the words:

should have an enforceable, presumptive right to access such documents and information, subject only to such restrictions as are consistent with the public interest (including maintenance of the effective conduct of public affairs through the free and frank expression of opinions) and the preservation of personal privacy—

and to substitute it with the early part of that provision, that is: 'should have an enforceable, presumptive right to access such documents and information, subject only to such restrictions as set out in this Act.'

What we are seeking to remove is what the Deputy Premier seeks to insert into the act, and that is the huge caveat around whether agencies should be required to release documents, and that is the old chestnut: the public interest test, namely, 'subject only to such restrictions as are consistent with the public interest (including maintenance of the effective conduct of public affairs through the free and frank expression of opinions)'. This seeks to basically foreshadow that those documents that may contribute to the maintenance of the effective conduct of public affairs through the free and frank expression of opinions should be a severe limitation on an applicant's access to documents. What an enormous catch-all that provides the government to refuse to release documents.

This is perhaps one of the most hotly contested areas of freedom of information law in its application when it comes to the Ombudsman and his external reviews, that is, principal officers of agencies—in my experience, usually the Treasurer—saying, 'Although you may be entitled to access this document, I have run the final ruler over whether this document is to be released and I have applied the public interest test, and I have determined that it is not in the public interest for this document to be released.' So, notwithstanding all the other elements of the Freedom of Information Act, which may give me or another applicant access to those documents, the Treasurer then says, 'However, be that as it may, I have applied a public interest test and in my view the release of these documents is not in the public interest.'

That means that it is not in the Treasurer's interest that that document becomes public. That is the test that gets applied by this government. That is the standard that is applied when ministers, as principal officers of agencies, seek to make determinations under the act. Those principal officers think, 'Is it in the public interest that this document becomes public and perhaps causes me or the government that I am a member of some embarrassment?' I do not think that is in the public interest. I mean, really?

The government currently uses this as a test to try to preclude this, so what does the Deputy Premier do? She picks up that bogus practice and inserts it into the objects of the act. How contrary to the existing object of the act can that be, that is, to release documents where possible subject only to the restrictions elsewhere in the act? How much more reasonable could it be? It could not be. That

is very fair. But that is not what the Deputy Premier wants here. Yet again, within this clause, is another watering down of the objects of the act to give agencies a much broader palette to paint from when it comes to coming up with preclusions and exclusions and reasons not to reduce documents.

That is not what the FOI legislation should be about. The FOI legislation, as it currently stands, should be to promote the availability of documents to members of the public pursuant only to the other restrictions set out in the act, and that is simply what our amendment does here.

**The Hon. V.A. CHAPMAN:** I indicate that the government opposes this amendment. The value of these aspects to which the member seeks to exclude really does diminish the effectiveness of this legislation. That is the government's view. Again, nothing has been put to us to suggest otherwise.

**The Hon. S.C. MULLIGHAN:** I find that very disappointing, once again, from the Deputy Premier. In my previous contribution, I said, 'Let's put to bed this spurious argument that the Ombudsman hasn't suggested it and so it can't be supported.' I was able to do that by demonstrating that those issues that the Ombudsman is passionate about when it comes to reforming the law have on occasion been ignored by the Deputy Premier.

Let's put the other contention that the Deputy Premier is now starting to lean on, namely, 'Nobody has raised any issues around this, as far as I am aware.' Well, I just did for 4½ hours in my second reading contribution. I gave example after example, whether it was the example around the deliberate attempts by the Premier's office to withhold access to documents regarding the Adelaide Oval Hotel development that should have been released publicly or whether it was the deliberate withholding of documents from the Department of Planning, Transport and Infrastructure about correspondence between the federal government and the state government about commonwealth budget initiatives.

Of course, I am one member of parliament, one citizen, with experiences of lodging FOI applications. There are many more members of parliament and multiple members of the public who have unsatisfactory experiences with navigating the freedom of information process here. For the Deputy Premier to pretend that there is no issue here is completely bogus.

Her unwillingness to countenance any of the suggestions that the opposition puts forward here to enhance transparency, accountability and access to documents I think only serves to show that, after complaining about freedom of information legislation for the best part of 16 years, now that it has been more than a couple of years in government she is not as interested in making good on those complaints through changes to the law as she would have had us believe. I do not think the Deputy Premier is as committed to positive reform in this area as she pretends to be.

This is a reasonable amendment, one worth supporting, and I would hope that other members would vote accordingly.

The committee divided on the amendment:

Ayes.....19
Noes .....24
Majority .....5

AYES

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

NOES

| | | |
|---|---|---|
| Basham, D.K.B. | Chapman, V.A. (teller) | Cowdrey, M.J. |

NOES

| | | |
|---|---|---|
| Cregan, D. | Duluk, S. | Ellis, F.J. |
| Gardner, J.A.W. | Harvey, R.M. | Knoll, S.K. |
| Luethen, P. | Marshall, S.S. | McBride, N. |
| Murray, S. | Patterson, S.J.R. | Pisoni, D.G. |
| Power, C. | Sanderson, R. | Speirs, D.J. |
| Tarzia, V.A. | Teague, J.B. | Treloar, P.A. |
| van Holst Pellekaan, D.C. | Whetstone, T.J. | Wingard, C.L. |

Amendment thus negatived.

**The Hon. S.C. MULLIGHAN:** I move:

Amendment No 4 [Mullighan–1]—

Page 4, after line 7 [clause 4, inserted section 3(1)]—After paragraph (c) insert:

(d) that government agencies and Ministers of the Crown should, wherever possible, facilitate informal access to information, with recourse to legal arrangements under this Act being a last resort, and that government agencies and Ministers of the Crown are committed to—

(i) being open and accountable, engaging with the community and encouraging public participation in the making of decisions, policies and laws; and

(ii) enhancing the flow of information from government agencies by releasing information, unless there is good reason not to, without the need for an access application under this Act;

(e) that proactive publication of documents and information held by government agencies—

(i) puts information into the community faster and at lower cost; and

(ii) reduces agency time and resources spent processing individual access applications; and

(iii) demonstrates a commitment to openness, accountability and transparency which, in turn, may increase confidence in government.

This amendment includes the words as set out above for a new paragraph (d) after paragraph (c), which would read that government agencies and ministers of the Crown should, wherever possible, facilitate informal access to information, with recourse to legal arrangements under this act being a last resort and that government agencies and ministers of the Crown are committed to being open and accountable, engaging with the community and encouraging public participation in the making of decisions, policies and laws, and in enhancing the flow of information from government agencies by releasing information, unless there is a good reason not to, without the need for access to application under this act.

The proactive publication of documents and information held by government agencies puts information into the community faster and at lower cost, reduces the agency time and resources spent processing individual access applications and demonstrates a commitment to openness, accountability and transparency, which in turn may increase confidence in government.

This does a number of things. One is it effectively foreshadows, and places into the objects of the act, the proactive disclosure regime. As I mentioned in my second reading contribution, the government makes reference to a proactive disclosure regime in its bill. It goes so far as to suggest that the Premier of the day must publish a proactive disclosure policy and then leaves it at that, whereas what we have chosen to do is set out into the bill a proactive disclosure regime that would enshrine the types of documents and information that must be released by agencies on a periodic basis.

That is undeniably a good thing. Ensuring that ministers and agencies are required to release information under such a regime is a very good thing. Firstly, for the benefit of the agencies to whom applications are made, it substantially removes the need for applications and hence the resources needed to deal with applications for fairly regular types of information. It also, I think, places a

discipline on those government agencies to ensure that the information that is being reported on in the documents that are proactively disclosed is something that is of regular interest to ministers and chief executives insofar as it is to be published and also, of course, as we have seen from the fruits of FOI applications in the past, those sorts of documents relating to travel expenditure and accommodation.

*Sitting extended beyond 18:00 on motion of Hon. D.C. van Holst Pellekaan.*

**The Hon. S.C. MULLIGHAN:** As I was saying, it is in the interests of those government agencies to have a proactive disclosure regime. It is, I think, a substantial oversight from the Deputy Premier not to ensure that we have a rigorous and robust proactive disclosure regime actually set out in the bill.

What this amendment does is not just place principles relating to the establishment of a proactive disclosure regime in the objects of the act but proceeds to foreshadow that there will be such a disclosure regime in the act. For the Deputy Premier to say outright that she does not support this amendment with a less than cursory examination of the amendment and the motivations that sit behind it, I think demonstrates that the government is not really that interested in a proactive disclosure regime.

Also, given the increasing frequency with which agencies fail to meet their existing proactive disclosure requirements, especially as it relates to ministers and the disclosure of expenditure and information regarding travel, for example, I think it shows the regard with which this government holds such a scheme.

**The Hon. V.A. CHAPMAN:** The government opposes amendment No. 4. The bill's new principles and objectives section already includes, as the first objective set out in the new section:

(a) to authorise and encourage the proactive public release of government information by agencies;

This, of course, has been a theme of the member for Lee and that is reasonable. Also, the existing principles and objectives provision in the bill already encompasses the concept of promotion and accountability in enabling 'community scrutiny and review of government activities'. It does not add anything, so we do not support it.

**The Hon. S.C. MULLIGHAN:** Regrettable, again, sir, and I encourage members to support the amendment.

Amendment negatived.

**The Hon. S.C. MULLIGHAN:** I move:

Amendment No 5 [Mullighan–1]—

Page 4, line 9 [clause 4, inserted section 3(2)(a)]—Delete 'authorise and encourage the proactive public release of' and substitute 'require the regular publication of prescribed'

Again, this is a change to the provisions of the bill that the Attorney seeks to impose on the act. Deleting the words 'authorise and encourage the proactive public release of' strengthens that and changes it to instead read 'require the regular publication of prescribed'.

This is really to make it absolutely clear that certain types of information and documents containing that information must be—and they are required to be under the act—published under a more rigorous and robust proactive disclosure regime. This is later countenanced in a subsequent amendment. I would once again encourage all members to support the adoption of a more rigorous proactive disclosure regime. It is in the interests of the government, it is the interests of the agencies having to receive and determine these applications and it is in the interests of the public.

**The Hon. V.A. CHAPMAN:** The complication here is that, as a result of moving from a mandatory requirement as distinct from a discretionary element of publication, the logs themselves and what is in them have a discretionary element as to their composition. They can be prescribed for regular publication, but what is in them has this discretionary element. In light of that, I am advised it cannot be described as a requirement; therefore, the government opposes this amendment.

**The Hon. S.C. MULLIGHAN:** Really, we have got to be joking if that is the best argument against this that can be summoned by the government. The reliance on the need to ensure there is a discretion in the publication of information I think absolutely makes it clear this government's approach to the regular publication of information. It must remain, according to the government, discretionary. It should not be mandated because, of course, that would be too much transparency and too much openness and accountability for the tastes of this government.

There can be all sorts of frivolous arguments mounted by the Attorney as to why it should remain the discretion of an agency or the discretion of a minister to publish this information, but what a tremendous demonstration that is of the very casual relationship this government has with the desire to enhance accountability and transparency of government operations.

Amendment negatived.

**The Hon. S.C. MULLIGHAN:** I move:

Amendment No 6 [Mullighan–1]—

Page 4, line 14 [clause 4, inserted section 3(2)(c)]—After 'accountability of' insert 'Ministers of the Crown and'

This, again, is another important inclusion of ministers of the Crown in addition to agencies to once again do two things: not just make it absolutely clear that ministers of the Crown are to be bound by the objects of this act specifically but also foreshadow the later amendment that seeks to change, in one sense, the notion of ministers of the Crown as a principal officer of the agency and so, in that regard, necessitates the dual recognition of ministers of the Crown and also agencies separately because for the remainder of the bill they are not one and the same, as they currently are.

**The Hon. V.A. CHAPMAN:** This is similar to amendment No. 2 and a number of the other amendments that the member for Lee has identified in inserting specific reference to ministers of the Crown. For all the reasons I have outlined previously, this is unnecessary and risks confusion. The government opposes this amendment.

**The Hon. S.C. MULLIGHAN:** It is very regrettable that the Deputy Premier does not believe there should be specific reference to ministers of the Crown and their accountability in the objects of the act. She calls it 'unnecessary'. Well, it is necessary in the current act and it should remain necessary into the future because I for one, and I think other members in this house—not all of course; the Deputy Premier and her colleagues certainly do not—certainly believe that ministers of the Crown should be accountable and should be specifically noted in the objects of the act.

If we cannot maintain a specific reference to ministers of the Crown, what sort of message does that send to the community from the Deputy Premier and her cabinet colleagues about ministerial accountability? We spent two entire question times this week on the topic of ministerial accountability, and here we are debating a bill now to ensure that we can have another opportunity to diminish it under this Liberal government. This needs to be inserted, it should be inserted and I think that it is a very clear reflection on the motivations of the Deputy Premier if it is not included.

Amendment negatived.

**The Hon. S.C. MULLIGHAN:** I move:

Amendment No 7 [Mullighan–1]—

Page 4, after line 16 [clause 4, inserted section 3]—After inserted subsection (2) insert:

(2a) The means by which it is intended to achieve these objects include—

(a) conferring on each member of the public and on Members of Parliament a legally enforceable right to be given access to documents held by government, subject only to such restrictions as are set out in this Act; and

(b) enabling each member of the public to apply for the amendment of such government records concerning their personal affairs as are incomplete, incorrect, out-of-date or misleading.

I move another amendment to clause 4—that is, to insert a new subsection (2a) under subsection (2) of what is included in the bill from the Deputy Premier—to reinsert words that would otherwise be lost in the Deputy Premier's bill, namely:

(2a) The means by which it is intended to achieve these objects

i.e., the act—

include—

(a) conferring on each member of the public and on Members of Parliament a legally enforceable right to be given access to documents held by government, subject only to such restrictions as are set out in this Act;

This, again, seeks to retain what we currently have in the objects of the existing act, which is that there should be a predisposition to the release of documents. There should not be what is becoming increasingly prevalent through government agencies and ministers, and that is the use of any excuse possible to withhold access to documents. The reason why, rather than just referring to members of the public, we include members of parliament as well is twofold: one is that members of the parliament have a particular role in representing their constituents, and in doing so part of that is seeking access to information from government, and, second, in pursuing the activities of a member of parliament seeking to hold a government responsible to the parliament, they also deserve a particular recognition of their role in accessing government documents.

That is already recognised in the act. For example, members of parliament do not have to pay an application fee for freedom of information applications, which is quite different from what members of the public and the media, for example, are required to do. It is important that these words are placed into the bill. It is important that that these sentiments are retained in the act. Of course, following on from that, but no less important, is of course enabling each member of the public to apply for the amendment of such government records concerning their personal affairs as are incomplete, incorrect, out of date or misleading.

The Deputy Premier said in some of her earlier remarks this afternoon that she can think of perhaps only one or a very small number of instances where members of the public have sought this information. It has certainly been my experience as a member of parliament to assist a number of constituents to make such applications, particularly to SA Health, for information concerning themselves, usually after receiving medical treatment, for example, from one of the state-run health facilities, including hospitals.

This is a fairly frequent type of application that is made. It might pale into insignificance compared with the number of applications that members of parliament and the media might make; nonetheless, there are numerous applications made by members of the public in this regard. That, in my view, justifies the retention of these words and the sentiments they embody in the objects of the act and I encourage all members to support this amendment to make sure that the act remains strong in this regard.

**The Hon. V.A. CHAPMAN:** This amendment duplicates what has been sought in the member for Lee's ill-fated amendment No. 3 insofar as it refers to the conferral of an enforceable right of access to government information. It also includes separate reference, again, to members of parliament. MPs are members of the public for the purpose of the act. No other state's equivalent act includes a separate reference to MPs' right of access and accordingly the government opposes this amendment.

**The Hon. S.C. MULLIGHAN:** Again, it is a very disappointing view from the Deputy Premier that she would refuse to countenance a legitimate amendment from another member of parliament. She says that no other act around the country makes specific reference to members of parliament as being separate from the public. I find that interesting because we are not the only state that has freedom of information legislation that sets members of parliament aside in some respects as to how they make applications and under what terms they make those applications.

I would encourage the Deputy Premier to try to come up with a more compelling reason to oppose the amendments that have been put here this evening, rather than serve up these bogus arguments. These are not marbles being rolled under the feet of the Deputy Premier in an attempt embarrass her: these are legitimate attempts to strengthen the freedom of information legislation for the benefit of the community, some of whom may be members of parliament.

I would encourage the Deputy Premier to distance herself from the concerns she may have as a current minister of the Crown and the uncomfortable additional accountability and transparency that these amendments might bring to the agencies that she is responsible for, or even the uncomfortable additional accountability and transparency that they may bring to her as a minister of the Crown, and instead start supporting these amendments.

Amendment negatived.

**The Hon. S.C. MULLIGHAN:** If you wanted an indication, sir, of the Public Service's approach to amending the FOI Act—

**The ACTING CHAIR (Mr Pederick):** Sorry, are you going to move your amendment No. 8?

**The Hon. S.C. MULLIGHAN:** I am. I am just coming in off the long run.

**The ACTING CHAIR (Mr Pederick):** I like to get it at the start so we do not forget it. I am just trying to guide the show, that is all.

**The Hon. S.C. MULLIGHAN:** I will roll down a googly before I pick up the pace. I move:

Amendment No 8 [Mullighan–1]—

Page 4, lines 21 and 22 [clause 4, inserted section 3(3)(b)]—Delete ', promptly and at the lowest reasonable cost,' and substitute 'prompt'

I move this amendment as I walk back to my mark. If you ever wanted an indication of the agencies' approach to the amendments of the freedom of information legislation, then you only need to look at this part of clause 4, and that is the very telling inclusion of the term 'at the lowest reasonable cost' when it comes to determining freedom of information applications and making documents available.

We should be worried about this for a number of reasons. One is certainly the motivation behind it. It is not now that the act is to serve as an opportunity for the public and members of parliament to gain access to public documents. It is instead for an agency to start assessing such applications in balance with how much money or resources it might cost the agency in making those determinations.

If the agency starts thinking, 'Well, the application might satisfy all other elements of the act, but we don't think it's the lowest reasonable cost in making that determination,' then this obviously becomes another avenue for the government to start withholding access to documents, to start failing to determine freedom of information applications. That is outrageous. If you are really concerned about the high cost of making FOI determinations, then put in place a robust and transparent costing regime for those determinations that may involve a large amount of effort or a large amount of documents or both in making the determination.

To include in the objects effectively that determinations will be made only at the lowest reasonable cost I think speaks volumes about the government's and the agencies' approach to this. It is absolutely incontestable that there is a default position of government departments and agencies not to release documents. Agencies need to be dragged kicking and screaming through the tenets of the existing legislation to make documents available.

An example I did not raise is that it is not uncommon to get a determination back from a government agency—not necessarily a minister, but a government agency—saying, 'We are not releasing that document because it is publicly available.' Fine. 'Do you think you could tell us where it is publicly available?' No, of course not. We have to prolong the intrigue. We have to prolong the mystique that members of the public and members of parliament have to crawl through to get access to information that presumably has already been determined to be publicly released. It is just extraordinary.

The inclusion here, along with this bogus public interest test that I made reference to earlier in the objects, ensures that when this legislation is tested in the future, if it is so amended by the Deputy Premier, it provides as much opportunity as possible for an agency to withhold access to documents. Does that sound like freedom of information to you? Of course not. It is just another blatant attempt by the Deputy Premier and the government to reduce public access to government documents. That is why these words should be deleted.

**The Hon. V.A. CHAPMAN:** I indicate that the government will be opposing this amendment. Essentially, it is to remove the lowest reasonable cost out of the equation. The assertion has been made by the member for Lee that this is necessary because there should not be an assessment done by the agency for them to be able to identify what the reasonableness of cost would be and therefore this is a section that would be to the disadvantage of an applicant, i.e., a member of the public.

The reference to 'lowest reasonable cost' was based on the equivalent objective provisions in the interstate equivalent acts. An objective of the FOI scheme makes it clear that applicants—that is the public, including the member for Lee, whoever might be an applicant—should have access to information at the lowest reasonable cost to them, as well as that the scheme should be sustainable and efficient. I think the words used to be something like 'promptly and efficiently'. This inclusion here that, as proposed, you want to remove, member for Lee, is designed for the benefit of a scheme to help applicants. I just remind you that it is currently embodied in the existing section 3A(2)(b), which requires agencies to ensure that applications are dealt with efficiently.

Far from it being a detraction from protecting the interests of applicants, consistent with other jurisdictions this is designed to assist both applicants in relation to cost and for maintaining the obligation of the agencies to act efficiently, and also sustainably; so they need to get on with their job. So the government opposes this amendment.

**The Hon. S.C. MULLIGHAN:** By the Deputy Premier's own words it is clear that the motivation here is reducing costs on agencies. If the motivation here were to reduce costs on applicants, surely we would be abolishing the application fee. There is no fundamental change in how applications are to be made. We can already lodge them electronically. We do not have to lick the back of a stamp and put it on an envelope and send in a hard copy; we can already do it electronically. So the efficiency element already in the act is largely taken care of. What we are now talking about is cost to the agency. Let's not make up anything to the contrary, that it is about reducing costs to the applicants, because it is not. We are not abolishing application fees. We are not doing that at all.

What we are doing now, here, through what we are trying to amend is in relation to the insertion by the Deputy Premier and her bill the concept of lowest reasonable cost to agencies. This comes back to the issue of whether agencies are dedicating sufficient resources to meet the demand for these freedom of information determinations, which, by and large, they are not. Not only are they not but the Ombudsman is also not receiving sufficient resources for the conduct of his role in globo let alone in relation to making external review determinations on behalf of aggrieved applicants.

So, please, let's not pretend this is about saving the general public—including me, the member for Lee—money because it is not about that at all. This is about saving agencies money. Once again, if you reduce the amount of resources which agencies can dedicate to this effort, you are in effect reducing access to information. There are fewer people, fewer systems and fewer avenues of getting these applications determined, and hence fewer documents being released to members of the public. That is not openness, that is not accountability and that is not transparency. It is the opposite. That is why this amendment removes those words and just ensures it is a prompt.

In fact, I tell you what, Deputy Premier, I am happy to compromise. I am happy to leave in the existing words within the act so that it says 'prompt' and has the reference to 'efficiently' as well. How collegial is that? What a little moment of bipartisanship we have had at 6.25 this evening. If only we could do this for the other 56 amendments.

**The ACTING CHAIR (Mr Pederick):** Member for Lee, I need some clarification. Are you seeking leave to change your amendment? We need to get this right.

**The Hon. S.C. MULLIGHAN:** As I usually do, I have thrown myself at the feet of the Deputy Premier, and I am looking forward to her response.

**The ACTING CHAIR (Mr Pederick):** It is not quite as easy as that. Are you seeking to—

**The Hon. S.C. Mullighan:** No, my amendment stands, but if the Deputy Premier indicates her willingness to compromise—

**The ACTING CHAIR (Mr Pederick):** No, that is alright. You are sitting down; that is it.

**The Hon. S.C. Mullighan:** My offer is on the table.

**The ACTING CHAIR (Mr Pederick):** No, that is it; you are on your seat.

Amendment negatived.

**The Hon. S.C. MULLIGHAN:** I had hoped that we would have a better outcome on that. Perhaps that will be something we will have to test in the other place, once the bill heads up there. I move:

Amendment No 9 [Mullighan–1]—

Page 4, after line 23 [clause 4, inserted section 3]—After inserted subsection (3) insert:

(4) Nothing in this Act is intended to prevent or discourage the publication of information, the giving of access to documents or the amendment of records otherwise than under this Act if it is proper and reasonable to do so or if it is permitted or required by or under any other Act or law.

This is essentially a reinsertion of the existing provision in the act. The Deputy Premier seeks to delete that existing provision of the act, which I think is regrettable and is again a clear indication of this government's approach when it comes to accountability, transparency and access to government documents. What we are seeking to do is retain that provision in the act. Amendment No. 9 seeks to ensure that that important subsection is retained in the act as a clear and final statement within the objects of the act.

**The Hon. V.A. CHAPMAN:** The government opposes this amendment, not because of the wording 'to prevent or discourage publication'. What we have done, though, is already add into this bill the new provision in the objects, which is 'to authorise and encourage the proactive public release of government information'. We say that it is unnecessary to add that back in, given that we have already made specific provision for the positive endorsement of that in the objectives. It is unnecessary and the government opposes it.

**The Hon. S.C. MULLIGHAN:** Again, the Deputy Premier is confused by the current provision of the act and the reference that she just made to a different provision in the bill. She makes reference to subsection (2)(a) in clause 4 in her bill, 'to authorise and encourage the proactive public release of government information by agencies'. That is a specific reference and countenance of some form of proactive disclosure regime. That is very clear.

This here is a final statement in the existing objects of the act, which serves as somewhat of an arbiter for those seeking to make a determination pursuant to the act or, for example, for the Ombudsman in making an external review under the act, or even for a further appeal to another body like SACAT. That is an overarching principle about what this act is attempting to do. It is an overall object of the act.

Nothing in this act should preclude access to a document. If you are confused about how to apply the different parts of this act when it comes to making a determination about whether a document should be released, then the predisposition should fall on the release of documents, not on the withholding of documents and the prevention of the release of documents. That is why this is so important. It is not specifically to do with proactive disclosure at all. It is an overall overarching guiding principle of this act, and to remove it changes fundamentally the overarching nature of this act.

Through the clauses that the Deputy Premier has amended in her bill, and through the defeat of the amendments that the government has tried to move to clause 4, we have had a stripping out of these overarching principles and objects within the act. We have had a substantial weakening of the act. I am sure that is in the Deputy Premier's interests. I am sure that is what she was aiming for but that is not in the public's interest. That is not in the interests of those people who are making freedom of information applications. That is completely contrary to those interests.

Here we are right at the end of the first part of these amendments in consideration of clause 4 of the bill. Let us resuscitate those final vestitures of the objects of the existing act which served to provide a guiding principle to how the act should be interpreted, both by those administering

the act as well as those who are seeking to adjudicate disputes pursuant to the act. If this is removed, it weakens the act to the detriment of the public of South Australia.

The committee divided on the amendment:

Ayes.....18
Noes .....24
Majority .....6

AYES

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

NOES

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

Amendment thus negatived; clause passed.

Clause 5.

**The Hon. S.C. MULLIGHAN:** I move:

Amendment No 10 [Mullighan–1]—

Page 4, after line 27 [clause 5]—After subclause (1) insert:

(1a) Section 4(1), definition of *agency*, (f)—after subparagraph (iii) insert:

(iv) that delivers services on behalf of the government or a council that are entirely or substantially funded out of money provided by the State or the council; or

This amendment seeks to amend clause 5 at page 4, after line 27, to insert, after subclause (1), where we currently have the definition of an accredited FOI officer in the bill, the definition of an agency. This broadens the definition of agency to capture not just those administrative organisations that are part of the Public Service but those organisations that are delivering services on behalf of the government or a council that are entirely or substantially funded out of money provided by the state or the council.

This broadens the application of the FOI Act to those organisations that effectively have been subcontracted by government to deliver government services. This means, for example, that if somebody was particularly interested in the operation of train services in South Australia from now on, they might be able to seek information from the company, Keolis Downer, that has just been awarded a major contract. Similarly, they would be able to access information, subject to the remaining restrictions in the act, from other like organisations providing services on behalf of government.

It also includes that same provision for councils or for local government. For example, if you were particularly interested in why your bin was not picked up on Boxing Day, you might be able to put in an FOI application for relevant documents to one of the large contractors that the council had

put in. It is not necessarily bin collections that are the focus of this amendment. I use that only as an illustration as to the reach and the application of this.

No doubt there will be many, beyond just the Deputy Premier, who would rail against such an egregious progressive measure to be included in the freedom of information legislation in South Australia. Just as we have members of the Public Service railing against additional efforts and resources that might be required to administer the FOI Act insofar as they are concerned, I am sure local government would not appreciate this at all. Indeed, there are other amendments that we are yet to deal with which go to the very issue of the extension of the act to local government in that regard.

If we have a government—particularly this one—which is identifying essential public services and outsourcing and privatising them, this is a pretty good indication that the public would still have a keen interest in the conduct and provision of those services, for example. Just as the ICAC legislation extends to those organisations in receipt of government funds and carrying out duties on behalf of the government and are subject to that piece of legislation, similarly those agencies should also be subject to the freedom of information legislation as well. That is the purpose of this amendment. Amongst the remaining 54 amendments that we have for our future enjoyment, we will see the discussion of local government in a broader context there.

**The Hon. V.A. CHAPMAN:** This amendment would add a specific reference in the list of bodies that are considered to be agencies for the purpose of the definition of agency in this act to incorporated and unincorporated bodies that deliver services on behalf of government or a council that are entirely or substantially funded by public money.

Again, these sorts of things look possibly reasonable at first blush, but the position is, I am advised, that this is problematic because it will capture private service provider bodies that are not subject to direction by a minister, a state government agency or a council, since those outside bodies under such direction are already captured by the definition of agency. Requiring those bodies to respond to FOI applications in addition to the agencies that fund them, who are themselves already within the act, would likely increase the cost of those bodies and potentially impact the level of service they are able to provide under their existing funding.

It should be sufficient that the government agencies that fund these bodies are subject to the FOI Act and are able to provide documents relating to that service delivery arrangement in response to an FOI application directed to the funding agency. This can be supported by obligations in the contract with the service provider to require the provider to comply with the State Records Act and give the funding agency a right of access over records relating to the delivery of the service.

Also, there are problems on how a body will be determined, whether it meets the test of 'substantially funded' so as to know when it becomes subject to the FOI Act. The definition of 'agency' in the act already includes the ability to prescribe a person or body as an agency for the purpose of the act, and that is the preferable mechanism for bringing a private body under the act in any particular circumstance where this is determined to be justified, including the basis of public functions being outsourced by that body. Accordingly, I indicate that the government will not be supporting this amendment.

**The Hon. S.C. MULLIGHAN:** I am not surprised to hear the Deputy Premier's views in this regard. Of course, it is instructive to pay careful attention to the rationale she gives for opposing this amendment. One is that it costs too much for them to be accountable, and another is that it is problematic for them to be accountable. Does that not perhaps raise more concerns about the need for this in the first place?

If you were a government, like this one, minded to make it even more difficult to access public documents—if you were a government that is introducing and seeking to pass a bill like this, which does not so much water down the FOI Act but take a fire hose to it and hose it down almost completely—you would also be a government that is of the mind to view one of the corollary benefits of outsourcing and privatisation to be putting beyond the reach of the public or members of parliament access to information about those public services or other elements that non-government organisations may be contracted with to provide to government.

It is little surprise to me that, rather than taking the view that by and large this was something that government was previously providing, or regardless of whether or not the government used to provide it, this is regarded as important to the community and there should be some accountability and transparency to the community about how those services are being provided, the Deputy Premier instead says, 'No, we shouldn't take any opportunity to make sure that the public can have access to relevant documents.'

If a company like Keolis Downer wants to take on the responsibility of running train services in South Australia, not only should they be prepared for the onerous wait of making sure that they can be an accredited rail operator through the Rail Safety Regulator, something which we understand they have not yet got and in fact had only started applying for extremely late in the piece, never having been accredited in Australia to provide rail services, but they should also be prepared to ensure they can meet other government obligations as well.

The contract between the government and Keolis Downer is, of course, being kept secret, as is the wont of the Liberal government here in South Australia, and so the public has absolutely no information whatsoever about what is going to be reported on and what is going to be accounted for in terms of what Keolis Downer is providing to the government and to the people of South Australia. So here we have an essential service provided by government that has been outsourced and has now been put completely beyond the reach of the public and members of parliament in order to gain access. I think that is awful.

I know the government has an entirely different perspective on public transport from that of the Labor Party. I know the government think, for example, that it is a nuisance and an inconvenience to have to run that service and they would best do without that nuisance and inconvenience. 'If only we could offload it and get somebody else to do it.' Of course, they do not recognise that there are hundreds of thousands of South Australians who rely on these services in order to participate socially and economically within the South Australian community. Notwithstanding all of that, I would have thought the government would have recognised that that would necessitate the public being able to access documents in that regard.

For the Deputy Premier to say 'I'm not going to support it because it's difficult' I do not think cuts it. I think it is yet another indication of how this government does not take access to government information documents seriously.

Amendment negatived; clause passed.

Clause 6.

**The Hon. S.C. MULLIGHAN:** I move:

Amendment No 11 [Mullighan–1]—

Page 5, line 39 [clause 6, inserted section 4B(1)]—Delete 'A person' and substitute 'Subject to this section, a person'

This is the next of the amendments that seek to delineate between ministers and their agencies for the purpose of making determinations under the act. In my second reading contribution and in some of the contributions I have given during this committee stage, I have made it clear how unacceptable and unsavoury it is in the current regime for ministers to be considered principal officers of their agencies and be able to make determinations under the act. There is a clear and obvious conflict of interest—obvious to everyone, it seems, except the Deputy Premier and members of the government.

A minister will only worsen whatever predilection there is of their agency not to release documents, particularly in the situation where those documents might be deemed to be some form of embarrassment to themselves or to the government or may release information at a time that is not to the absolute convenience of the government.

It is in that respect that there should be the removal of the capacity for a minister to make determinations as a principal officer of their agency and accordingly, subsequently, further amendments seek to mandate the delegation of that responsibility to the minister's chief executive.

That should provide not complete comfort, but at least a modicum of comfort, that there is a reduction in this inherent conflict of interest in ministers making these determinations.

I cannot tell you how dispiriting it is to submit a freedom of information application to the office of the Treasurer and receive a response from Rob Lucas saying, 'Due to the volume of applications we've got, I am not going to determine this for another six to eight months.' That is par for the course under this government. It is par for the course under the current Treasurer. What does he care? He is not putting his hand up next time around and is probably less fazed how that sort of activity is considered publicly.

But I certainly do, and the constituents I represent certainly do and those people who have a common interest in those issues around which we are seeking to gain access to further government information certainly do care about that. That is yet another example, for the Deputy Premier's benefit, of why there is an inherent conflict of interest in the current regime and it should be remedied. The Deputy Premier should take the opportunity of supporting this amendment so that she can start to remedy this unacceptable situation. I look forward to the fulsome support of the Deputy Premier for this amendment.

**The Hon. V.A. CHAPMAN:** I will just commence by indicating that I wholly reject the assertions made about the motives of the Treasurer. If the member finds that there has been an application he has made to the Treasurer or the treasury department that fails to comply with the time frames set under the legislation, then I suggest he exercises the rights which he has under the current law and which are not being removed in this law with any of the amendments in this bill. I utterly reject that, but can I indicate that this amendment sits with amendments Nos 12 and 13. There is a sort of trilogy here—

**The Hon. S.C. Mullighan:** And 21.

**The Hon. V.A. CHAPMAN:** And 21, I am happy to refer to that—

**The Hon. S.C. Mullighan:** Should we ever reach there.

**The Hon. V.A. CHAPMAN:** I doubt tonight, but we—

**The Hon. S.C. Mullighan:** That is disappointing.

**The ACTING CHAIR (Mr Pederick):** Order! Let's keep on it. Let's not bicker; we are nearly there.

**The Hon. V.A. CHAPMAN:** In any event, it seeks to provide that the minister cannot be an accredited FOI officer despite the minister being the principal officer of the agency constituted by the minister. Instead, these opposition amendments would require the minister designate one or more accredited officers of the agency, of which the minister is responsible, to act as accredited FOI officers for the minister's office.

The bill already seeks to address the issue of accredited FOI officers by ministers' officers by the amendment that would allow the minister's office as a small agency to enter into an arrangement where a departmental accredited FOI officer for that officer to be designated also an accredited FOI officer of the minister's office. It is not inherently problematic for a minister to be the accredited FOI officer for their office.

They are the principal officer of the agency, comprising their office, and retain the ability to make decisions of the FOI Act for their office as a matter of practicality. However, in many cases, the minister would prefer that the initial FOI assessments be made by a departmental accredited FOI officer, and the bill provisions allow that, so I indicate the government will not be supporting this amendment.

**The Hon. S.C. MULLIGHAN:** The Deputy Premier says in her rebuttal that the bill seeks to address the issue I raise by including a provision where very small agencies can effectively delegate their responsibilities under the act to a different, presumably larger, agency that has greater resources and, for example, accredited FOI officers are already working for them. So it does not seem too much of a stretch, does it, really, for that when it comes to ministers and their officers to be mandated.

If the Deputy Premier thinks that it is okay for small agencies—whether it is a very small agency like Defence SA or Veterans SA, or maybe even a larger agency that the Attorney-General has cut funding to, such as the Legal Services Commission, or some other organisation like that—if they wanted to enter into an agreement with a larger agency that had more resources, why can that not just be mandated for ministers?

It seems that the Deputy Premier is so focused on the need to retain this capacity for ministers so that they can continue to perpetrate these violences against openness, accountability and transparency, so that ministers can retain their roles and ensure that documents can be withheld. I would ask that the Attorney supports this amendment and continues what she alleges her bill starts in this regard.

Amendment negatived.

Progress reported; committee to sit again.

At 18:57 the house adjourned until Thursday 24 September 2020 at 11:00.