HOUSE OF ASSEMBLY

Tuesday, 13 October 2020

The SPEAKER (Hon. J.B. Teague) took the chair at 11:00 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 Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (11:01): I move:

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

Motion carried.

Bills

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL

Committee Stage

In committee.

(Continued from 24 September 2020.)

Clause 1.

Ms STINSON: I might take this opportunity to rise and note that I have just come to my desk to see that there are another 14 amendments that have been filed by the Deputy Premier. Considering that on the last occasion the Deputy Premier filed 126 amendments and told the house that there would be ample time for those on this side to be able to consult with stakeholders and then be in a position to go through the committee stage and possibly even vote on this this week, it is puzzling why we now suddenly have another 14 amendments that this side has neither been briefed on nor even had the chance to read and we are going into the committee stage.

There is certainly no opportunity for me to consult with stakeholders, for me to put it through our party processes. So if the Attorney is able to, it would be great to know what her position is, whether she anticipates that we will be looking at these clauses this week and what her attitude is, considering that on the previous occasion she said she would be providing ample time for those of us on this side to get across this incredibly complex bill and the now, I think it is, 415 amendments that have been filed.

The Hon. V.A. CHAPMAN: I fully appreciate the issues the member has raised, and I can indicate that there are two further amendments. By way of explanation to the committee, and I hope this will assist the member, the amendments—I have them identified as No. 2, but 67(3) is their tabled number—are in relation to the election matters raised in amendments by the member for Waite. They have been rewritten, and I will, of course, explain how they have been rewritten.

They relate to a subject matter that is already extant, if I can describe it that way. Secondly, there is a minor change in relation to the rate monitoring aspect, so although 67(4) looks like a comprehensive list it is really a repeat of what is already in the amendments, but rewritten with some amendment. To give an explanation of that, in the proposed new section 22, which is described in 67(4) under paragraph (e), in the current amendments it reads 'any other matter prescribed by regulation', I think, 'or as set by ESCOSA'.

Ms Stinson: It was.

The Hon. V.A. CHAPMAN: It was, and the removal of 'as set by ESCOSA' came after discussions were considered with the LGA only on Friday. This is not meant to be any surprise; it is really a fairly minor change at their request. So the words 'or determined by the designated authority' were the words removed in the bill. I more than happy to slowly go through those. I appreciate that sometimes these things do change a bit when the relevant authorities come forward. The member for Waite may also wish to make some comment because this is an issue he has raised in 67(3).

I think on the general comment that further amendments have come in, we listened to stakeholders throughout this and are keen to ensure that everyone has a say. If there are any minor matters that need to be fixed, we are fixing them; that is precisely what the situation is. If the member would like to have, perhaps in the luncheon break, any extra information I am happy to provide it. Alternatively, as we go through this she may see the relatively minor nature of what we are talking about.

Ms STINSON: I thank the Attorney for that explanation and will take her up on every opportunity given for our side to get across this, particularly at this incredibly late stage. I have to say I find it remarkable that this is the third time—or the fourth, really—the government has come forward with amendments to its own bill. It seems to be a most scrappy and disorganised way to put forward legislation, legislation that is very detailed, very complex and really does touch the lives of real people and that requires us, as MPs, to consult with our communities.

I am disappointed in the way this has been handled, but I thank the Attorney for her explanation and for the extension of the offer of support from her office. The fact is there is not much time for me to avail myself of that assistance if I am in the house dealing with the committee stage of this bill, though.

Ms BEDFORD: Can the Attorney-General advise what consultation was undertaken on this bill outside of government?

The Hon. V.A. CHAPMAN: I will start with the Electoral Commission of SA, which is an independent statutory agency, so I do not want it to be seen as being just a government department, because clearly it is not. Significantly, also the Local Government Association, which of course is the representative body for councils has—through its representatives, the president, Mr Sam Telfer, in my short time with the management of this bill, Mr Lamb and Mr Pinnegar in particular—had, as I understand it, a very significant period of involvement in the development of this legislation before it came to the parliament.

I think it has been a two-year exercise in what seems to be common ground as to some fairly concentrated efforts by that organisation in particular. I have to hand a number of their submissions over the time and, as I say, in the short time I have been handling them they have also been a very integral part of that. Indeed, I place on the record my appreciation to them.

There was consultation with the councils themselves and, of course, we have a number of councils in South Australia. I think there are 68 from memory. We also have the Outback Communities Authority, which represents all those people who live in a huge expanse of the state. We also have a number of agencies under municipal arrangements that are different, like Roxby Downs and some of our Indigenous communities. We have a very significant spectrum of those, and that includes a number of their advisers who have also been present, with accounting and legal advice that has been given through that process. I am advised that that has also occurred over 2019 and 2020.

Regarding consultation with the Local Government Association—this is for my education as well; the member asked about consultation—between February and August 2019 there was consultation on the idea generally. There was the release of the discussion paper in August 2019. There was further consultation and attendances at regional and other council forums until December 2019 and then there was significant consultation back out in relation to the bill once drafted. So it has had a long gestation period. It was introduced by the former minister, the Hon. Stephan Knoll, and since July I have had the carriage of this matter and it has certainly been a priority for me—and, I think, the LGA, who must be just about exhausted by this process—to advance it.

In light of some of the commentary that has already been made in committee, I just reinforce the fact that as the minister responsible for this I have tried as much as I can to actually accommodate

and receive further, even last-minute, aspects that need consideration and, where necessary, have made some minor redrafting to accommodate that. I note the concern, particularly of the member for Badcoe, about late notice but this is the real world and parliament is expected to receive this. If it is meritorious, we need to consider it and we need to add that in. If that means we have some extra or replacement clauses, then so be it.

I will do everything I can to make sure that we provide the reform that is sought by the local government members in our state and that we get it as right as we possibly can. Obviously, the process of parliament is to look at any other aspects that may be brought up by members, and sometimes they result in further amendment. However, I can assure the member for Florey that this has been a very long period and, although I have not been personally involved in it, I have certainly had councils in my own electorate raise issues with me and, for different portfolio responsibilities, had a number of others around the state raise issues which I am pleased to see are being addressed in this broad reform in the bill.

Clause passed.

Clause 2 passed.

Clause 3.

Ms STINSON: My question for the Attorney is: why has this wording been changed? It now talks about providing 'appropriate financial contributions by ratepayers to those services and facilities', and I refer to Objects at (f). I wonder if the Attorney could expand on—

The Hon. V.A. Chapman interjecting:

Ms STINSON: I am referring to clause 3. The clause 3 I have is Objects. Is that what the Attorney has?

The CHAIR: I think it is clause 3—Amendment provisions. What did you suggest that might be, member for Badcoe? Clause 4 is Objects.

Ms STINSON: In that case, clause 4, if that is the one that is Objects, sir.

The CHAIR: Given that, we will look to pass clause 3.

Clause passed.

Clause 4.

Ms STINSON: Just to be sure, I understand that this one is titled Objects and it refers to (f): an insertion after 'communities' of 'and to provide for appropriate financial contributions by ratepayers to those services and facilities'. I wonder if the Attorney could elaborate on why this wording is being changed. The concern that I hold is whether this opens a path to a greater user-pays model of delivering council services. It seems to me that changing the wording in this way does provide an avenue for more of a user-pays approach, and I wonder if the Attorney can elaborate on whether that is in fact the intention of this change or whether there is some other objective behind it.

The Hon. V.A. CHAPMAN: Can I encourage the member to read all the objects because I think this will set the context of what is being referred to. This relates to an object under this legislation to balance the services provided by councils with the obligation on the contributions to be made by ratepayers. In other words, there is a balancing responsibility there if I were to say that it is not open to councils to simply say, 'We are going to have a gold-plated service over here and expect ratepayers to pay it.' It is a balancing of those areas of responsibility that is referred to here, not whether they provide those services by any other means.

Clause passed.

Clause 5.

The Hon. V.A. CHAPMAN: I move:

Amendment No 1 [DepPrem–1]—

Page 8, lines 28 and 29 [clause 5(4)]—Delete subclause (4)

This amendment essentially removes the designated authority from the definition. I indicate that this is a technical consequential amendment related to the proposed amendments to the rate monitoring system. As this is consequential, before we get to the substantive, I think it is important that I explain to the committee. After further discussion with the local government authority and their opportunity to consult with their members, instead of having the designated authority through this process, we have settled upon ESCOSA being the relevant party to undertake that responsibility. So we are removing the designated authority from the definitions.

Amendment carried; clause as amended passed.

Clause 6.

The Hon. V.A. CHAPMAN: I move:

Amendment No 2 [DepPrem–1]—

Page 9, lines 31 to 33 [clause 6, inserted paragraph (b)]—Delete 'the context of the capacity and willingness of ratepayers to pay for those services and facilities' and substitute 'a way that is fair to ratepayers'

This amendment deletes certain words and substitutes 'a way that is fair to ratepayers'. This clause has been amended in response to concerns from the sector that a principle that councils should make decisions about the services and facilities they will provide should be made in the context of their ratepayers' capacity and willingness to pay for these services.

Concerns, I am advised, were expressed that this may cause particular ratepayers to challenge the decisions of their council regarding their rating policies. The amended clause, therefore, captures the intent of the reform—that is, to recognise that councils make critical decisions on how to balance the desired services and facilities with the need for ratepayers to pay for them. It clarifies that councils do this with the needs of all their ratepayers in mind.

Mr DULUK: A question to the Attorney. Attorney, does the use of the phrase 'in a way that is fair to ratepayers' give ratepayers or groups of ratepayers a new legal right to challenge council decisions on the basis that the decision was not fair to them in the first place?

The Hon. V.A. CHAPMAN: I thought I had made that clear in the explanation but, for the benefit of the member, I will explain. If anything, this is to ensure that councils have to consider the benefit of all ratepayers and that they are not going to be held to ransom or held accountable because of a noisy few. That is the way I understand it.

So it is important that councils not be held to ransom, in that sense or under some duress, to acquiesce to a few if, in fact, the overall indication is clearly for the benefit of their ratepayers. But here we are trying to balance the need for councils to make decisions about what services and provisions are made by the council in their plans and annual budgets and the like with the capacity for their ratepayer base, and that is all of them.

We are trying, in this instance, to give some protection to councils for immunity from responsibility to a noisy few, but, by the same token, they have an overall obligation to balance that. I think the example I gave earlier is that it is not open to councils to provide a gold-plated service here that might benefit a few but which is clearly outside of the capacity of their ratepayer base.

Ms STINSON: I am following on from the member for Waite's question. This is a change since the bill that was brought in by former Minister Knoll. I wonder whether the Attorney could elaborate on what has changed since former Minister Knoll put this amendment forward in the first place: is it simply that the Attorney did not like the language that was used, or is it a different ideological perspective that the Attorney has that maybe was not shared by Minister Knoll?

What does it actually mean to be replacing 'the context of the capacity and willingness of ratepayers to pay for those services and facilities' with 'a way that is fair to ratepayers'? Considering it was the government's amendment initially and now you have amended your own amendment, I am seeking some clarification as to why you have done that. Maybe the Attorney could also inform us whether this was the result of any particular stakeholder putting forward this form of words.

The Hon. V.A. CHAPMAN: I think it is fair to say that, in the drafting of this, the LGA raised the question of the word 'willingness' in relation to the matter. I do not suggest for a moment that

there is any change of view from one minister to another on this. I think it is a matter of identifying and making it as crystal clear as we can in the legislation that, when there are competing responsibilities, we as a parliament try to ensure that ratepayers themselves are not overly burdened and also that there is a criterion of responsibility, which sometimes does have tensions.

But there has to be some relief—or protection, I suppose—for the councils themselves that make that decision. The ultimate party that they are accountable to is of course their ratepayers at the next election, by-election or whatever is to come. They have a level of accountability, but really this is a matter in which we are looking at the capacity, overall, of the ratepayer base, as distinct from whether they like paying rates.

Ms STINSON: At the risk of possibly repeating what the member for Waite asked about, can the Attorney inform me whether the original wording created grounds for council budgetary decisions to be contested, and, if so, how the new wording might ameliorate or eliminate that risk?

The Hon. V.A. CHAPMAN: I do not know what advice was obtained in relation to individual councils' budgetary considerations, but if the member is asking if this in some way is opening the door for judicial review, the fact is that council decisions are reviewable by law anyway. This is in no way intended, nor is it proposed, to in any way open the floodgates of review of a budgetary decision or any other decision of council.

Ms STINSON: Paragraph (b) was deleted, which stated 'to provide and coordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner'. Why has that been deleted? One would have thought that articulating and indeed asking a council to have an eye to social justice and ecological sustainability would be a good thing, yet the previous minister, in his original amendments, decided to delete that.

Is that reflected elsewhere in the bill, or is it seen as unnecessary for some reason to outline that councils should have an eye to those issues? What is the rationale for the Attorney or the government deciding to delete that sentence, when maybe it could have just added the bit that it now seeks to replace it with? Has this come out of any particular feedback from stakeholders?

The Hon. V.A. CHAPMAN: All of this is as a result of feedback from stakeholders, but current section 6 on the principal role of council is where the deletion is occurring. But I just indicate to the member, although we would say this is a replacement order of things, under 'Functions of a council', which is in section 7, you will see paragraph (e) states:

> (e) to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;

And under paragraph (c):

> (c) to provide for the welfare, well-being and interests of individuals and groups within its community;

Although we have changed the benefit to the community section in clause 6(b), the detail of how that applies and what is to the benefit of community is outlined in section 7 of the act.

Amendment carried; clause as amended passed.

Clause 7.

Ms STINSON: I wonder if the Attorney could elaborate on the reasons for removing the specifications of the types of different services provided by a council. Is there an expectation that the council no longer provide those services, which I think is unlikely, or is this a way to provide greater flexibility for councils to be able to subcontract, outsource or indeed privatise local government services?

The Hon. V.A. CHAPMAN: I want to reassure the member it has nothing to do with the mode in which they provide the services; it is simply to provide more flexibility of what services it provides.

Ms STINSON: Could the Attorney provide some more detail on that? She is talking about types of services. What is listed here is obviously the range of different services that one would expect councils to provide. They are being deleted from the act. I am referring to the section that says:

…including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities)

And simply replacing that by saying 'financial contribution to be made by ratepayers to the resources of the council'.

I am asking why it is necessary that that list be removed—surely those are things that it would be anticipated a council would provide. It is fairly broad and encompassing. I am trying to understand why that list is being removed, if not to provide for councils to outsource those services to other entities to pay for in future.

The Hon. V.A. CHAPMAN: It is a desire on behalf of the council to not have the prescriptive list. To give an example, things do change. There is only one council, as I understand it, in the whole of South Australia that provides electricity to its town, namely, Coober Pedy. Times do change. On the other hand, there is nothing in this list about libraries, yet I can hardly think of any councils around the state that do not provide library services. There are modern technology services that they provide within library services and other deliveries. One can hire films from libraries—there are a whole lot of other services councils provide in a contemporary manner—so, rather than try to be prescriptive about this it is again about allowing that flexibility and to be able to accommodate change in relation to that.

It has moved from trying to be an inclusive list. There are gas and water services. My own local council at Burnside provides some water services—it has historically—and regulates them. I have managed in my time in the parliament to get them transferred to SA Water so that we have a reliable source of water for people who are less than eight kilometres from the GPO. These things change, and the services that were given by councils last century, or 50 years ago, are very different. So, rather than trying to contemporise it and be prescriptive, we give the general list.

I want to reassure the house that the functions of the councils, in ensuring that they provide social and welfare services, are very important. They are still in the functions clause. To give a more modern area of responsibility: in the time I have been in the parliament the previous government via this parliament proposed that councils be responsible for noise and nuisance matters. This was a new area of responsibility, which historically sometimes the licensees of hotels, authorities such as CBS and/or police, who might still be in an assistant role, had managed those things. The councils were sent those areas of responsibility.

I remember particularly, because some councils raised with me, 'How come this is happening? Why do we suddenly have to pick up responsibility for this?' In any event, these things do change, is my point. On the other hand, other councils go into the waste business, which is big business these days, both in recycling, disposal and sale, or provide amenities within their council for other councils to use that on a shared basis. These are all the sorts of initiatives in the 21st century, which I hope gives the honourable member some understanding of how these things change and change often.

Ms STINSON: Thank you, Attorney. I appreciate that response. Has the Attorney received any communication from the ASU, AWU or, indeed, the LGA in relation to this change? What submissions has she received from them? I understand that there is concern and even opposition from those organisations in relation to removing this list of services. Can the Attorney provide some insight as to the representations that have been made to her in relation to this particular clause?

The Hon. V.A. CHAPMAN: I am advised that we are not aware of any. I have not specifically sighted any submissions by the ASU or the AWU, or any correspondence, but to the best of my knowledge it has not been raised by the LGA.

Clause passed.

Clauses 8 to 10 passed.

Clause 11.

The Hon. V.A. CHAPMAN: If I might assist the committee, clause 9, which we have now passed, which was the insertion of section 11A, relating to the number of members, is an important reform. I am happy to answer any questions on it.

Ms STINSON: Under the banner of clause 11, I will ask a few questions. Can the Attorney tell us what feedback she has received from the LGA and councils, and in particular the councils who are affected by this change to a maximum of 12 members? Also, what does this actually mean for councils that have already started a representation review or will do so before the commencement of the new act?

The Hon. V.A. CHAPMAN: This is an area which emanates from the Productivity Commission recommending that councils consider having the maximum of 12 in their membership. For many councils over the years, particularly those that have very large membership arising out of amalgamations of councils historically, I think there has been a general impetus to be able to understand the benefits in reducing the number of council members. Many of the councils have already addressed this.

I think if I were to fairly describe the LGA's position as to where we go with providing some measure of impetus to this for those that have not it is to suggest that some are at 12 plus one, some have already reduced and they are working on it and they will have to do reviews every few years. Although some have not activated that change at any sort of reasonable pace, that has just let that play out as it is, but council amalgamations sometimes occurred decades ago. The Productivity Commission highlighted some of the difficulties for councils in being able to continue to function in a more efficient way and have the reforms that they want to enjoy, unless this is actually brought about.

The process here is one where they do address this issue. They do so, I am advised, within certain restrictions on that—namely, those that have already done their review (and I think two councils have more than 12) have up until the elections in 2022 to work out how they are going to structure that. Then there is a group of other councils to which this would not apply with this regime until over a five-year period.

The process is one where councils that have not done their reviews but are coming up to do the reviews and that are offending the maximum 12 rule have a very significant period into the future to address this. One of the difficulties that councils have—and I fully understand it—is who do they get rid of? To be perfectly frank, it is not easy for the council: they might have 26 members sitting around the table, they have amalgamated three or four councils over the years, everyone is represented and nobody wants to go. If they are going to redraw the wards, if they have wards or not, or whether they are going to reduce the number, how is that going to be addressed?

Everyone, including councils, is accountable at their elections. They will be having elections in 2022. Two councils out of 68 need to address this issue. They will have until the election in 2022 to work out the formula. I think this will give them some cover to say to their electorate, 'We just can't keep going along at a glacial pace on this. We don't quite know how we're going to do it, but we do have to address it.' It will assist councils, I suggest, in being able to resolve that difficult situation otherwise of local people facing losing a spot.

I just remind all elected members, and it goes for every one of us here too, that we are accountable and that when we come up for election it is open to the voters and/or ratepayers to make the decision about who is either in this place or in their councils. We are all accountable. The government agrees with the Productivity Commission's assessment on this, and I think the LGA generally do, too, but there are some councils that are really finding this difficult to have to make a decision on, and this will ensure that they do.

Ms STINSON: Thank you, Attorney. I appreciate that and can indicate that we will be supporting this amendment. As we are on clause 11, I wanted to take the opportunity to also state a position in relation to the intention there, which is the deletion of a section that talks about publishing a copy of a notice in a newspaper circulating within its area. There are a great many references throughout the amendments, all different sets of the amendments, that talk about removing the requirement for notices to be put in newspapers circulating in the relevant council area.

Rather than opposing each of those individual references, taking on board the Chair's concern for time and also the complexity of this bill, I thought it prudent to simply outline that Labor is against those amendments that are sprinkled throughout the 416 amendments we are looking at. Our position is that we should be having notifications in local newspapers. Local newspapers are

certainly still an avenue for people, whether they are in the city, in suburban areas or in the country, to get information. It is important as well, in my view, that we do support our print media.

I will be putting forward some questions to ascertain what the costs are currently in relation to providing these notifications, but rather than opposing every reference there is—and there are very many in relation to newspapers—I wanted to take this opportunity to state that Labor is against the principle of deleting the clauses that refer to the publication of notices in newspapers, and we will reflect that with amendments in the other place. For the ease of this committee process, I will not be opposing each of those individual amendments. We will stay silent on those as they go through and we will file amendments in the other place. I hope that assists the committee.

The CHAIR: Thank you, member for Badcoe. I do appreciate that. Attorney, I am going to speak for a moment to the member for Badcoe about the copy of the bill she is using. I think there is possibly some confusion.

Ms STINSON: The Clerk of the House has very helpfully furnished me with the document and some assistance.

The CHAIR: Excellent.

Ms STINSON: Considering this is the first bill of this nature that I have dealt with, I very much appreciate that.

The CHAIR: You are doing a fine job, member for Badcoe. You have what you need in front of you now.

Ms STINSON: I believe so, sir. I cannot guarantee I will not get lost again, but I will do my best.

The CHAIR: We will get through it together, I am sure.

The Hon. V.A. CHAPMAN: Before we pass clause 11, I will make a comment if I may, because the member has raised the question of public notice reform and the desire for the parliament to maintain the publication of print newspapers. This is not a new concept. I want to assure the house of two important things: one is that this reform was strongly sought by councils to deal with more minor matters in relation to notices. There is no suggestion that councils want to completely make no provision for print publication.

For major issues in relation to their annual plan, and other issues such as that, I expect they will continue to do so. In fact, part of this reform still maintains the capacity for publications to be made via regulation, so there is an understanding that that may occur. The reality is, though, that, whilst I appreciate the member for Badcoe is a former journalist herself and sees the plight of the decline of rural newspapers, I think everyone agrees in this house that it is sad. I wish people would read more. I still buy my local paper on Kangaroo Island, *The Islander*.

I am happy to buy a copy of it, read it, feel it and read all the notices and everything else that is in it, but I can go online if I want to check out what Stan Gorton is writing about over there. He writes about just about everything, as happens with local journalists who are in regional communities. They have to do tennis results, girls' netball results and football injuries across to motor vehicle accidents, etc. For every person who visits Kangaroo Island, or is in a regional area, the local paper often picks up the significance of that to their local community.

But the reality is that readers are making a choice about whether they go online to get that information, and a number of the paying parties—that is, the people who put advertisements in either the online or print services—are really directing this to occur, and so there are fewer and fewer people like me who buy the paper and read it and there are more and more people who go online to get their digestible information about their local area.

I cannot change that, but there is a process here for important matters to still be able to be published in print as such and there is also a capacity for councils to be able to not have to put everything out in print form to save trees, save money and have some 21st century management of this. That is the reason for it. I appreciate the member's commentary on her view and/or her party's view, but councils themselves have sought this and we respect that in this instance.

Clause passed.

Clauses 12 and 13 passed.

Clause 14.

Ms STINSON: My question is really one of clarification as to what the difference is between undertaking public consultation and doing it in accordance with the public consultation policy. Is that a more or less rigorous approach?

The Hon. V.A. CHAPMAN: I am advised it simply reflects a change to the more prescriptive method of a community engagement charter, so it is just the language that goes with that.

Clause passed.

Clause 15 passed.

Clause 16.

Ms STINSON: Clauses similar to this are peppered throughout the amendments, so I might just see if I can get an answer that might be applied to all those references. This section talks about entitlements to inspect and copy documents and removes that provision. My question is: why is it being removed and is that because the information is available online? There does not seem to be any insertion providing for the information to be provided online so I wondered if the Attorney could enlighten us as to whether, in lieu of inspecting or copying documents, there was some other arrangement now in place for the many references to this in the bill?

The Hon. V.A. CHAPMAN: Largely, this is to consolidate and modernise the layout. The issues in relation to publication and obligations to be making these available have really just transferred out of the various sections and are all in schedule 5. There is not a change of obligation. They are transferred to where they are related in the act.

Clause passed.

Clause 17.

The Hon. V.A. CHAPMAN: I move:

Amendment No 3 [DepPrem–1]—

Page 13, line 12 [clause 17, inserted section 50(3)(a)(i)]—Delete 'contemplated' and substitute 'required'

Amendment No 4 [DepPrem–1]—

Page 13, line 15 [clause 17, inserted section 50(3)(a)(ii)]—Delete 'contemplated' and substitute 'required'

The deletion of 'contemplated' and substitution with 'required' and the deletion of 'contemplated' and substitution with 'required' in each of these technical points is requested by the sector to clarify that councils must comply with the proposed community engagement charter when the act requires it.

Ms STINSON: I might just ask for clarification so I do not go through this incorrectly. I do not have any questions or issues whatsoever with amendment No. 3 of 67(2) that the Attorney just spoke to; however, I do have questions in regard to the amendment contained in the original bill.

The CHAIR: We will deal with amendments Nos. 3 and 4 standing in the name of the Deputy Premier.

Amendments carried.

Ms STINSON: Could the Attorney provide some information about the community engagement charter, in terms of how it will be delivered, when we are expected to see it, whether there is a draft available, or even if you can just give a bit of an overview or description as to what it will contain or what you envisage it will contain?

The Hon. V.A. CHAPMAN: The community engagement charter is certainly a modern phenomenon. We have charters for just about everything now in the 21st century, and there are prolific numbers of charters within government departments. In this case, it is to bring together what

I think is a genuine commitment by councils to have a modern, flexible means by which they are committed to ensuring they undertake consultations.

Instead of having the old style of one size fits all, the charter is a medium by which this can be done to set out the expected levels of process to occur, depending on the nature of the initiative that is being considered, on which they are consulting with their rate base (generally, their community). It will not come into play until a notice is issued by me as the minister or anyone else who has this job.

It is yet to be developed. It is proposed that part 5 of the new act would not be proclaimed at this point until the work has been done for that to occur, but that is the process. It gets developed by councils through consultation with their own communities and then ultimately, I suppose, it comes to me for some sort of endorsement. Apparently, I do that by notice, and that is set out in the scheduling section 50(1) of new part 5.

Ms STINSON: So it is not by regulation?

The Hon. V.A. CHAPMAN: No, it is by notice. Notice is, in a way, similar to regulation. It is a bit like policy documents. I cannot say I am a great fan of all of these subsets of what is effectively the regulation power. They have the same effect as the regulation power and they are presented to parliament and so on, but they call them different names. That is why this is apparently the process that is adopted in relation to charters.

I am just trying to think of the last charter that came to my attention. I can remember going through and looking at the charter of Renewal SA, for example. There is a charter that is being developed under the PDI Act in relation to planning reforms which are being finalised. The Development Act will go and the whole of the PDI Act will be implemented. They have already done their charter so that is one that has codified, in a modern way, the process and recognition according to the complexity of the issue and the importance of the issue of the community as to how that engagement takes place.

It is not a new idea, but I think councils recognise the importance of community engagement. Sometimes it is brought to their attention because their community feels disengaged; nevertheless, they have acknowledged that it is an important aspect and we have set up the process for that to be accommodated.

Ms STINSON: Can the Attorney say what the complaints process will be for noncompliance with the charter and whether there will be any penalties for noncompliance with the charter? Also, could the Attorney speak about the threshold for consultation: how minor or major does a matter need to be in order for it to fall under the community engagement charter?

Obviously we do not want to consult on every little thing a council might do but, at the same time, the public does like to know what is happening and to be involved in significant decisions that might affect their lives. Could the Attorney elaborate on those points: the threshold and what the complaints process and penalties or consequences might be?

The Hon. V.A. CHAPMAN: This is not a punitive process and, to the best of my knowledge, charters are not punitive. Boards sometimes, where there is a charter—for example, the Renewal SA board act, developed under the previous government, had a charter—there is an obligation by the board to do certain things and to review it at certain periods of time. However, these are not designed to be punitive in the sense that they have a direct penalty. They are a bit like a guideline, but once they are signed up to them there is an obligation to actually follow through—but not through a punitive process.

The council's obligations here sit within its requirement, when it makes policies, that it is accordant with the charter. It is to set a framework from which the council then operates policies. If they fail to do this, in relation to the charter ultimately settled upon, then this will all be part of the process that could be under consideration under the review processes that exists and that will, of course, be maintained. That is, someone can register a concern with the Ombudsman in relation to, for example, publication of a policy which is not compliant with the charter.

Clause as amended passed.

Clause 18.

Ms STINSON: Can the Attorney say how many councils do not have a mayor; if not, what do they have? What feedback has been received about this amendment, and how many councils are likely to be affected by this change?

The Hon. V.A. CHAPMAN: There are 15 councils that currently have a mayor elected from within the council, and that will change to a direct elect. I think the other question was how many councils do not have a mayor at all; was that your question?

Ms STINSON: What do they have instead of a mayor?

Mr Knoll: Coober Pedy.

The Hon. V.A. CHAPMAN: They have an administrator and a CEO at the moment. Coober Pedy, for example, has a council currently with a CEO but they also have an administrator, Mr Jackson, who is there for another couple of years, I think. We have other types of models which relate to an area like, for example, Roxby Downs, a dedicated town established to support mining enterprises. Is that what you are getting to? Have I covered that?

Ms STINSON: Yes, that has answered my question, thank you.

The CHAIR: A question from me, Attorney: are there still councils that have chairmen or chairpersons, as such, as opposed to mayors?

The Hon. V.A. CHAPMAN: I am advised that there may be one or two. Councils can actually choose themselves to call their mayor a chairman or chairperson if they are elected from within the council. I cannot think of any immediately.

The CHAIR: The one that comes to mind for me is the District Council of Elliston, but I stand to be corrected.

The Hon. V.A. CHAPMAN: Yes.

The CHAIR: I think they still retain a chairperson.

The Hon. V.A. CHAPMAN: Is it a different person from the mayor? No, it is only the chairperson. There are a number of rural councils as you, Mr Chairman, would be aware, where they only might have five, six or seven representatives, so there is less formality at that level.

The CHAIR: That is one way of putting it.

Clause passed.

Clause 19 passed.

Clause 20.

Ms STINSON: My question is a simple one. It appears that $5,000 is being deleted as a penalty and replaced with $15,000. What is the reason for that?

The Hon. V.A. CHAPMAN: This is to be commensurate with the other penalties we have—the Public Sector (Honesty and Accountability) Act, for example.

Ms STINSON: To assist with dealing with similar amendments going forward, there are quite a few references to $5,000 going up to $15,000. Are they all for the same reason?

The Hon. V.A. CHAPMAN: That is my understanding, yes, but if there is something I come across during the course of the committee I am happy to try to point that out if I am advised that there is some distinguishing feature.

Ms STINSON: Thank you. I have one other question in relation to this and that is whether, in relation to this particular clause, criminal sanctions would apply if a person acted in a role they were disqualified from. Obviously, if it passes, this mandates that you could get a fine of up to $15,000, but would they not also be exposed to other sanctions under the criminal act, such as fraud for example?

The Hon. V.A. CHAPMAN: It depends entirely on who they are and what they are pretending to be. So, yes, there can be criminal sanctions, but I could not go through that without particularising in what instance. This is designed to be an internal sanction as such. If anyone breaks other laws in our criminal laws, for example, obviously that is a matter for police and/or DPP determination. Of course, in those circumstances, just to be clear, if a council were aware of circumstances where they think there might be some other breach of the law, then of course it is a matter for them to send them to the relevant authority.

Clause passed.

Clause 21.

The Hon. V.A. CHAPMAN: I move:

Amendment No 5 [DepPrem–1]—

Page 16, line 33 [clause 21, inserted section 55A(4)]—After 'office' insert:

, or reimbursement of expenses that the member would otherwise be entitled to under this Act,

As scheduled in 67(2), this amendment is to clarify that a council member cannot receive 'reimbursement of expenses that the member would otherwise be entitled to under the Act' by virtue of their office for a period of leave of absence to run for parliament. This parliament has considered this issue in a number of different ways over the years and we are presenting this, of course, to accommodate that.

Ms STINSON: I have a general question, which I could ask as part of 21, but maybe for ease I might just ask it now and we can put it all through. Under these provisions, can councillors still call themselves councillors or mayor while they are campaigning and running for a seat in state or federal parliament? Was there any feedback received from either stakeholders or, indeed, members of the public about that?

The Hon. V.A. CHAPMAN: I am advised—and I think this is an important precautionary aspect here—they are suspended from their office during this period. I think it would be unwise for them to attempt to describe themselves as a mayor and/or councillor, depending on what position they might have during that period of suspension, in the presentation of material because it may fall up against the electoral laws and the presentation. I am not here to give legal advice, but I would be very concerned about people doing that, and they may find themselves in breach if they were to do that.

I think it has been very clearly pointed out by some members in this house—and in other statements in the parliament; I think in the Legislative Council they have dealt with this before—that there is an understanding that there be a robust way of making sure that people do not exploit the office and/or entitlements of an elected member in local government while they are running for office in state or federal parliament. That sentiment is reflected in this.

Ms STINSON: I understand that is the Attorney's view, that it would be unwise for them to represent themselves as a councillor or a mayor while they are officially a candidate running for state or federal parliament, but is that what this amendment spells out? If so, how does it do that?

The Hon. V.A. CHAPMAN: It does not specifically provide that. What we are dealing with in amendment No. 5 is to insert, specifically in relation to expenses, 'reimbursement of expenses that the member would otherwise be entitled to under this Act'. I make the point that it is a suspension during that period, and that has been drafted as a way of ensuring that they do not get access to the entitlements. This was the public's criticism, and criticism by others, that they would be able to ask the ratepayers of their community to support them in some way while they were not undertaking council duties but actually promoting themselves for public office in another forum. That is the genesis of the concerns that were raised, and it is presented in these amendments.

Amendment carried.

The Hon. V.A. CHAPMAN: I move:

Amendment No 6 [DepPrem–1]—

Page 17, lines 4 to 8 [clause 21, inserted section 55A(5)(a)]—Delete paragraph (a) and substitute:

(a) use any facility, service or other form of support provided by the council to its members to assist the members in performing or discharging official functions and duties (not being a facility, service or form of support generally provided to members of the public by the council); or

This is a further amendment to clarify that, during a council member's leave of absence to run for state parliament, the member cannot use any facility, service or other form of support provided by council, including the use of vehicles to assist members in performing or discharging official functions or duties.

Amendment carried; clause as amended passed.

Clause 22.

The Hon. V.A. CHAPMAN: I move:

Amendment No 7 [DepPrem–1]—

Page 17, line 38 [clause 22(1), inserted subsection (1)]—Delete 'The' and substitute 'Subject to this Act, the'

Amendment No 8 [DepPrem–1]—

Page 18, line 8 [clause 22(1), inserted subsection (1)(f)]—Delete:

'if requested, to provide advice to' and substitute:

to liaise with

The first amendment is a technical amendment. The second amendment to the existing provision is to clarify that the role of the principal member is to liaise with the CEO to ensure the delivery and/or implementation of the council decisions.

Mr DULUK: Attorney, obviously the section relates to the mayor or the principal member. Are there any consequences for a mayor who does not perform any of the roles as set out in section 58?

The Hon. V.A. CHAPMAN: I will treat this as a question to clause 22 rather than to the two amendments, because I think what the member has identified here is that this is actually setting out the specific roles of a principal member, not their code of conduct or responsibility by way of obligation—there is a difference. This is a guide to anyone reading what is the role of a principal member as to what they are to do. One of them is proposed here to provide leadership and guidance to the council. That is not something that is an enforceable code of conduct. We go to other parts where they have direct responsibility to carry out certain functions, as distinct from what the role is. I am sure we will come to that further down the track; otherwise, I ask that the amendments be put.

Amendments carried; clause as amended passed.

Clause 23.

The Hon. V.A. CHAPMAN: I move:

Amendment No 9 [DepPrem–1]—

Page 18, lines 37 and 38 [clause 23(1), inserted paragraph (a)(ix)]—Delete:

'setting and assessing performance standards to be met' and substitute:

the oversight of the chief executive officer's performance

Amendment No 10 [DepPrem–1]—

Page 18, line 40 [clause 23(1), inserted paragraph (a)(x)]—Delete 'of the council'

Page 31, line 18 [clause 43(1), inserted subsection (2c)]—Delete 'a chief executive officer of'

The first amendment, at lines 37 and 38, is to clarify that all council members have responsibility to participate in the oversight of CEO performance under the council's contract with the CEO, rather than a direct role in setting and assessing performance, as not all members will be directly involved in this task. Amendment No. 10 is really a technical amendment to that.

Mr DULUK: Attorney, in relation to clause 23 in general, not your amendments, subclause (1)(a)(i) mentions the desire for a member to act with integrity. I note that there is not a

definition of 'integrity' in the act. Is it intended that the definition used in other South Australian legislation, such as the ICAC Act, will apply, or does the common law definition of integrity apply in this situation?

The Hon. V.A. CHAPMAN: There is provision for integrity to be defined in this act, but it relates again specifically to where there is an obligation to do certain things. As a matter of general principle, the use of a word will have its common meaning, other than where it is specified, so there is no presumption that laws that we pass here in some way are defined by or restricted by the definitions that might be in other bodies that rely on a different statutory base. Perhaps we will come to that shortly in relation to the responsibilities and the review of people who do not act in accordance with those standards. So, Mr Chairman, I ask that amendments 9 and 10 be put.

Amendments carried; clause as amended passed.

Clauses 24 to 26 passed.

Clause 27.

The Hon. V.A. CHAPMAN: I move:

Amendment No 11 [DepPrem–1]—

Page 19, line 19 [clause 27(3), inserted subsection (4a)(a)]—After 'section 90' insert:

or 91(7)

Amendment No 12 [DepPrem–1]—

Page 19, line 27 [clause 27(4), inserted subsection (4c)]—After 'delegated to' insert:

or performed by

Amendment No 13 [DepPrem–1]—

Page 19, lines 28 to 33 [clause 27(4), inserted subsection (4d)]—Delete subsection (4d) and substitute:

(4d) Without limiting subsection (4c), a member of a council must—

(a) ensure that a request for information or a document from a person engaged in the administration of the council is made in accordance with the requirements of the chief executive officer of the council; and

(b) ensure that a request for the performance of work or the taking of action by an employee of the council is made in accordance with the requirements of the chief executive officer of the council.

I indicate that, firstly, in respect of amendment No. 11, this is really a technical amendment to clarify that members should treat both documents and discussion that relate to matters discussed in confidence at a council meeting confidentially. Amendment No. 12 is really a technical amendment to cover all powers and functions of a council employee, not just the delegated functions. Amendment No. 13 was requested by the LGA to rewrite this provision in the affirmative, similar to the current clauses in the code of conduct. This amendment also clarifies that members can only request work or information from council employees in accordance with directions set by the council's CEO.

Amendments carried; clause as amended passed.

Clauses 28 to 31 passed.

Clause 32.

Ms STINSON: It appears to me that the penalty amount of $10,000 has been removed and not replaced in this section. I just wonder if the Attorney can explain why that is. Secondly, part 2 seems to shift the onus so that a person has to prove that they did not know something, rather than an accuser having to prove that they did know. Is that consist with principles of justice towards a person who is accused of something, that they have to disprove the allegation against them?

The Hon. V.A. CHAPMAN: Firstly, in relation to the penalties on these integrity matters, it was the recommendation of ICAC, that is, Mr Bruce Lander QC, that if there are breaches these matters should be referred to and dealt with under the Criminal Law Consolidation Act. Obviously, if

they are found guilty in respect of any offences in that regard, then of course the penalties would apply.

In relation to the defence (and I think this is what is being considered by the member), I propose to move an amendment. However, on the question of whether it is up to the person accused to prove something, that is, if they are going to rely on something, then it is quite common for them to have a defence, for example, 'I didn't know anything about it,' etc. Sometimes they are required to have an onus of an obligation.

In this instance, I just foreshadow that we will be removing that reference to the defence onus as such. At the moment the bill provides that it is a defence to a prosecution for an offence against subsection (1) to prove not a breach of subsection (1) if a member proves that the member did not know and could not reasonably have been expected to know the relevant change or variation.

Some of that is not necessary, including this question of the onus to prove the defence in those circumstances. I just foreshadow that we are going to be dealing with that. Yes, as a matter of principle, there are circumstances, and there are indeed some circumstances in the criminal law where someone has an onus of everything—for example, receiving stolen goods: you have to prove that you came by them lawfully, not the other way around. Yes, it does happen.

However, the general principle is that if someone is guilty of an offence under the Lander recommendations it goes to be dealt with through the Criminal Law Consolidation Act, and then it would be referred to the defence. I am also advised that it has been referred to as an integrity provision. We have changed it from an integrity position, which is a misconduct issue, to a criminal position. We have changed it to the other way around.

In any event, we do not need to have a great dissertation on what is normal practice in relation to criminal prosecutions, but these amendments come as a result of recommendations from Mr Lander.

Clause passed.

Clause 33.

The Hon. V.A. CHAPMAN: I move:

Amendment No 14 [DepPrem–1]—

Page 20, lines 32 and 33 [clause 33(2)]—Delete subclause (2) and substitute:

(2) Section 68(2)—delete 'under Division 1 of Part 2 of this Chapter' and substitute:

for the member

Amendment No 15 [DepPrem–1]—

Page 21, lines 5 to 8 [clause 33(3), inserted subsection (3a)]—Delete:

'and the chief executive officer is satisfied that the return complies with the requirements of this Subdivision (other than the requirement as to the period allowed for the submission of the return)'

Amendment No 16 [DepPrem–1]—

Page 21, lines 16 and 17 [clause 33(3), inserted subsection (3b)]—Delete:

'chief executive officer may' and substitute:

council must

Amendment No 17 [DepPrem–1]—

Page 21, after line 22—Insert:

(3d) Despite section 72, subsections (1a) and (3a) to (3c) do not apply to a member of a council subsidiary or regional subsidiary.

This clause deals with the Register of Interests, and there is some amendment to this. Amendment No. 14 is purely a technical amendment. Amendment No. 15 removes the requirement that the CEO be satisfied that returns submitted by members are accurate, given that CEOs do not have that role for returns submitted on time. Amendment No. 16 provides an amendment to remove

the CEO responsibility and discretion to lodge an application with SACAT for disqualification of a member whose suspension has been continuous for longer than a prescribed period, and that is expected to be 12 months.

The amendments instead make it a requirement for the council to be required to lodge an application for an order of disqualification with SACAT where a suspension has continued for an extended period of time. Finally, amendment No. 17 is to clarify that the extension of the Register of Interests provisions do not include the extension of the suspension process to apply to a member of council, subsidiary or regional subsidiary. For members of subsidiaries, a failure to comply results in a vacancy in accordance with schedule 2 of the act. I move those amendments en bloc.

Ms STINSON: I have one question in relation to amendment No. 17. Why has the Attorney seen fit not to extend a councillor's disqualification (I believe we are in disqualification rather than suspension in this section) to members of the council subsidiary or regional subsidiary? I just want to clarify that I am understanding that type of situation correctly. Is it possible that a councillor could, for example, also serve on a council subsidiary or a regional subsidiary? If so, if they are disqualified off the council, why would they not be disqualified off the subsidiary as well?

The Hon. V.A. CHAPMAN: If you are a council member, the process applies. Not all members of the council subsidiaries or regional subsidiaries are councillors and so that is what this is designed to clarify, to ensure they are not accidentally removed as such by virtue of their not actually being elected councillors.

Ms STINSON: If you were a councillor and you were disqualified and you happened also to serve on a subsidiary, you would also be disqualified from serving on that subsidiary?

The Hon. V.A. CHAPMAN: That is my understanding, yes. In that very authoritative voice, yes.

Mr DULUK: Attorney, in relation to the obligation to publish information, why is there no early obligation to publish information when the member is first suspended in terms of their register, as I do understand that council must publish a notice when a member's suspension ends?

The Hon. V.A. CHAPMAN: We are just checking on whether there is an obligation for the CEO to actually publish the notice. That does not actually relate to the amendments, so I will ask the Chairman to put the amendments while somebody is checking that for us and then come back to you.

Amendments carried.

The Hon. V.A. CHAPMAN: For the member's benefit, on his question on clause 33, I am advised that there is no obligation to issue the notice, but there is an obligation to publish if somebody comes back onto council.

Mr DULUK: Thank you, Attorney, but why is there no obligation? I am just wondering why that is the position of the government.

The Hon. V.A. CHAPMAN: No particular reason. If councils want to they can, of course, advise that. What is important is that if they are coming back onto duty then obviously we think it is important that they have an obligation to tell their constituency and that is where the damage can be done, if I can put it that way, of somebody coming back on, acting in full restoration of their rights as a councillor, and nobody knows about it. I think the key for us is making sure that the community is aware of that.

Ms STINSON: I just wanted to note that I have received a fair bit of feedback from council CEOs, including some of those in my own electorate, in relation to what former Minister Knoll was proposing. Were it not for the amendments that the Attorney has now filed, Labor would have amended this section, so we certainly support this and it is consistent with the feedback I have received from CEOs. I just wanted to note that, sir.

The Hon. V.A. CHAPMAN: I thank the member for her indication. It just confirms why it is important to listen through these matters. There are matters that are brought to our attention later in the piece. I do not suggest that this is any reflection on the former minister, who I am sure assiduously dealt with this matter. Consistent with his practice, we of course continue to listen carefully and make

sure that we accommodate circumstances, especially when there is a new regime of practice that is proposed to be introduced, and that everyone understands their position. Sometimes it is late in the day before they are alerted to some aspects of this.

We here in the parliament are used to a register of interests and having it dealt with in a certain way. Obviously, no-one would ever suggest that the Clerk, who receives our register of interests, has to go through them and think, 'Hang on a minute, Ms Chapman, why haven't you put this here?' They do not do that exercise. If there had been experience of that at the local council level then perhaps that would not have been as necessary. We just want to make it clear that CEOs do not have that responsibility; we have listened and have accommodated that.

Clause as amended passed.

Clause 34 passed.

Clause 35.

Ms STINSON: Again, this is a general question. There are references to information being published on websites throughout the bill and the amendments; I just wondered if the Attorney could clarify. Mostly, it is defined as a website of the CEO's choosing, but it does not actually confine it to a council-controlled website, for example.

The concern I have, particularly when you are talking about registers of interests and those sorts of things, is that they could be put somewhere obscure or, indeed, on the council's webpage but not very easily accessible. I do not know if you have had a look at some of the council websites. Some are excellent but some of them are an absolute minefield to navigate, even to find the simplest things such as council agendas.

I wondered if there had been any consideration of at least restricting this information to be published on a council website, or if there was any other instruction given to councils about how they should present this information in a way that the public can easily find it?

The Hon. V.A. CHAPMAN: I am advised, member for Badcoe, that this is the common phraseology used for the publication on websites and that the chief executive makes that determination. It has not been an issue that has been brought to my attention—that there might be some attempt to hide it away under the rubbish bin manual, or something like that, to make it difficult for people to access. I think this debate brings the issue to our attention.

As I said, there has been no issue raised with me to suggest that there is some kind of secrecy or an attempt to conceal this publication. This is the usual wording so I would not want to be prescriptive about how that occurs. I do not know; I suppose the member for Badcoe has seen plenty of websites over the time. I find it difficult to navigate all sorts of sites.

I remember going to a state instrumentality for which I am now responsible; it has been subsumed into a new tribunal in the time I have been in the parliament. I remember looking at their brand-new website and being horrified. It was designed to be easily accessible for people with mental health disorders, but it had an opening page with all sorts of things jumping out of the screen. It was confusing enough for me, let alone for someone with some disability or mental health concern who might want to access it.

I am not an expert on websites. If the member indicates if there are any circumstances where she feels there might be some attempt to do this, I would be more than happy to hear from her, or it could be reported to the LGA for them to follow it up with their member councils if she felt there was some kind of inappropriate attempt to conceal this information.

Mr DULUK: In regard to the publication of the register, what information will a council staff member or an elected member need to disclose about their staff or partner—specifically, personal information, income and investments, or residential addresses? I note that residential addresses are not included for normal elected members, but in terms of income and investments what personal information is required?

The Hon. V.A. CHAPMAN: I am advised that this section relates only to the publication of the register, all the details of which are in a separate section. However, as you will see here there is

a 'must ensure that certain issues not be published', namely, the residential address. That is just in relation to the register itself; the details will come a bit later.

Clause passed.

Clause 36 passed.

Clause 37.

Mr DULUK: Regarding the register of gifts and benefits, will an elected member need to disclose gifts from family members—for example, Christmas gifts or birthday presents?

The Hon. V.A. CHAPMAN: No. I suppose there may be some exception to that, if a member of their family were involved in an organisation or had another role in a certain entity and they would normally be captured by that gift, then yes. Sometimes companies or organisations give gifts, and if your husband or wife is the CEO of that organisation then I think it would be very prudent to disclose it. However, ordinarily for gifts under the Christmas tree and family gifts, no.

Ms STINSON: Attorney, if, for example, a member of a council had a son who was a member of parliament, would they need to disclose their Christmas and birthday gifts?

The Hon. V.A. CHAPMAN: If it relates only to the member's actual duty. If, for example, member for Badcoe, you had a sister and she was a member of a company who wanted to make provision of a gift from that company to you for your services to the community, and she comes along with the annual Christmas gift, then it needs to go on your register. If she gives you a gift as a person herself because she is your sister and she loves you, then no.

Clause passed.

Clause 38.

The Hon. V.A. CHAPMAN: I move:

Amendment No 18 [DepPrem–1]—

Page 23, line 22 [clause 38, inserted section 74(1)]—Delete 'would' and substitute 'might'

Amendment No 19 [DepPrem–1]—

Page 23, line 22 [clause 38, inserted section 74(1)]—Delete 'could' and substitute 'might'

Amendment No 20 [DepPrem–1]—

Page 24, lines 19 to 22 [clause 38, inserted section 75(k)]—Delete 'gift of a kind required to be disclosed in a return under Part 14 of the *Local Government (Elections) Act 1999* relating to the last election at which the member was elected' and substitute 'designated gift'

Amendment No 21 [DepPrem–1]—

Page 24, after line 23 [clause 38, inserted section 75]—Insert:

(2) In this section—

designated gift means—

(a) a gift of a kind required to be disclosed in a large gifts return under Part 14 of the *Local Government (Elections) Act 1999* relating to the last election at which the member was elected; or

(b) a gift or benefit of an amount greater than the prescribed amount under section 81A(1)(b) of the *Local Government (Elections) Act 1999* received by the member after the last election at which the member was elected (whether or not the gift or benefit is required to be disclosed in a return under Part 14 of the *Local Government (Elections) Act 1999*).

Amendment No 22 [DepPrem–1]—

Page 24, line 29 [clause 38, inserted section 75A(1)(a)]—After 'does not' insert:

materially

Amendment No 23 [DepPrem–1]—

Page 26, line 3 [clause 38, inserted section 75B(1)(c)(i)]—Delete 'abstain from voting' and substitute 'vote'

This whole clause relates to the conflict of interest matters. I start with amendment No. 18, which simply substitutes the word 'would' for 'might' and, similarly, amendment No. 19, which substitutes 'could' for 'might'. These were requested by the former Independent Commissioner Against Corruption. The definition of 'general conflict of interest' is proposed to be amended, and it is expected to be an easier standard for council members to apply them forming a view that an impartial, fair-minded person would have a view that they have a conflict of interest in the matter.

Amendment No. 20 substitutes 'designated gift' after the deletion of some wording, and the definition of a designated gift is contained in amendment No. 21. The bill proposes that the council members would have a material conflict of interest where a person had given the member a gift that was required to be disclosed under the Local Government (Elections) Act 1999. Presently, this is a gift of a value of $500.

These amendments change this to a 'designated gift', that is, a large gift under the Local Government (Elections) Act, required to be disclosed relating to the last election in which the member was elected. The value will be prescribed but is expected to be in the order of $2,500—all gifts, whether campaign donations required to be disclosed or gifts/benefits received by the member, during the term that are the same dollar value as large gifts.

Amendment No. 21 is a minor amendment to provide the additional clarification in that clause, and amendment No. 23 is a technical amendment to follow all in relation to clause 38. I move that they be accepted en bloc.

Mr DULUK: Attorney, I have three questions in regard to this section. If an elected member has declared a conflict of interest on a matter in the past, are they still entitled to receive council meeting papers relating to that matter?

The Hon. V.A. CHAPMAN: On a material conflict of interest, yes, they are. You get notice for the next meeting if it is coming up and, obviously, there is a process to go through if that is maintained.

Mr DULUK: If a member of the public provides low-value or routine services to an elected member, such as dry-cleaning, plumbing, those of a house nature, will the elected member have a material conflict of interest when dealing with matters relating to that service provider? Does this provision still apply to the commercial relationship between the elected member and the service provider once that has ended?

The Hon. V.A. CHAPMAN: Proposed new section 75(j) reads:

> (j) a person with whom the member has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the member would be entitled to receive a fee, commission or other reward;

If you were a member of council, member for Waite, and you used Jim's Mowing service (which I have to say is an excellent service; I use it myself) and you found that your local council was going to be asked to consider a contract to employ that company to mow lawns or whatever, then you would need to disclose that—the same as if they were to use your drycleaner.

Mr DULUK: I use Pete's service for my gardening. In regard to new section 75A(1)(a), exemptions to a conflict of interest, in what circumstances would these exemptions apply? For example, if a candidate runs for election on a local issue that affects the elected member's household, will they be precluded from debating or voting on this issue? Examples include an issue at their local park, state or local roads, or householders in a neighbourhood having to pay additional costs for a community wastewater service.

The Hon. V.A. CHAPMAN: Essentially, the definition relating to this is in paragraph (a):

> (a) if the interest is held in common with a substantial proportion of the ratepayers, electors…

That is an assessment that has to be made. Obviously, in addition to that, it is not to materially exceed the interest held by the other ratepayers, electors or residents. That is an assessment that has to be made to determine whether there would be a problem or not.

Amendments carried.

Ms STINSON: Clause 38 is quite a large clause. Can the Attorney describe how these sections would apply if the council has nominated an elected member to the board of another legal entity?

The Hon. V.A. CHAPMAN: In short, they would apply. I am trying to think of an example to make it clearer. Say you were on the Burnside council and you were appointed to represent the council on the Burnside War Memorial board. If there were any potential conflict of interest in relation to that responsibility, it would be disclosable under the same rules.

Ms STINSON: Can the Attorney detail what the mechanisms are for abstaining under these sections?

The Hon. V.A. CHAPMAN: You leave the room. The other information I have, which I do not think is directly related to your question, is in relation to a material conflict of interest. There are other circumstances where you may need to make a statement to council to indicate the issue that has been identified and the way you propose to deal with it—i.e., 'I just want to let council know I've had some contact with this person or I have this interest. I'm satisfied there's no conflict of interest.' It is presumably a matter that the council would then consider.

Ms STINSON: How is the substantial proportion test applied? Who would determine if it should be invoked? Would it be the member themselves, or would it be a matter that the council would have some say on—for example, the elected body would have to vote or determine if a substantial proportion test were to be applied? Is a councillor still required to declare an interest, even if they believe that the test may not apply to them?

The Hon. V.A. CHAPMAN: This responsibility is entirely with the member. He or she must make an assessment about what the nature of the conflict is, how it affects them and whether in fact they should abstain, declare or do whatever process is to be accommodated. It is not a matter that, for example, is taken into the hands of the rest of the council to say, 'You've indicated to us, councillor X, that you are mindful of the fact that you have an interest or association with this particular person, but you've indicated to us that you don't consider it as any conflict of interest. We are going to vote you out anyway.' That is not what this is all about. This is to identify for the member that it is their responsibility that there are certain actions to be taken, depending on what the nature of the conflict is. It is their responsibility.

Clause as amended passed.

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:00.

COVID-19 EMERGENCY RESPONSE (EXPIRY AND RENT) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATE PROCUREMENT REPEAL BILL

Assent

His Excellency the Governor assented to the bill.

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

Assent

His Excellency the Governor assented to the bill.

SENTENCING (SERIOUS REPEAT OFFENDERS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General Reports—
- Annual Report for the year ended 30 June 2020—Part A: Executive Summary, Report 13 of 2020 [Ordered to be published]
- Annual Report for the year ended 30 June 2020—Part B: Controls Opinion, Report 13 of 2020 [Ordered to be published]
- Annual Report for the year ended 30 June 2020—Part C: Agency Audit Reports, Report 13 of 2020 [Ordered to be published]

House of Assembly—Parliamentary Service Annual Report, 2019-20
Independent Commissioner Against Corruption—Financial Statements, 2019-20
Judicial Conduct Commissioner—Financial Statements, 2019-20
Lease made under the following Act
- Adelaide Park Lands—Park Lands Agreement—Park 24—Tambawodli

By the Premier (Hon. S.S. Marshall)—

Adelaide Festival Centre Trust—Annual Report 2019-20
Adelaide Festival Corporation—Annual Report 2019-20
Auditor-General Report—Auditor-General's Department: 2019-20 Annual Report (Report 14 of 2020)
Carrick Hill Trust—Annual Report 2019-20
Commissioner for Public Sector Employment, Office of the—Annual Report 2019-20
Country Arts SA—Annual Report 2019-20
CTP Insurance Regulator—Annual Report 2019-20
Defence SA—Annual Report 2019-20
Distribution Lessor Corporation—Annual Report 2019-20
Essential Services Commission of South Australia—Annual Report 2019-20
Financing Authority, South Australian Government—Annual Report 2019-20
Generation Lessor Corporation—Annual Report 2019-20
HomeStart Finance—Annual Report 2019-20
Industry Advocate, Office of the—Annual Report 2019-20
Infrastructure SA—Annual Report 2019-20
Libraries Board of South Australia—Annual Report 2019-20
Local Government Finance Authority—Annual Report 2019-20
Motor Accident Commission—Annual Report 2019-20
Multicultural and Ethnic Affairs Commission, South Australian—Annual Report 2019-20
Premier and Cabinet, Department of the—Annual Report 2019-20
Productivity Commission, Office of the South Australian—Annual Report 2019-20
Remuneration Tribunal—
- Determination No. 5 of 2020—Electorate Allowances for Members of the Parliament of South Australia
- Determination No. 8 of 2020—Per Diem Accommodation and Meal Allowances for Ministers of the Crown and the Leader and Deputy Leader of the Opposition

Determination No. 9 of 2020—Accommodation Reimbursement and Allowance for Country Members of Parliament
Report No. 5 of 2020—Review of Electorate Allowances for Members of the Parliament of South Australia
Report No. 6 of 2020—Review of the Common Allowance for Members of the Parliament of South Australia
Report No. 7 of 2020—Reimbursement of Expenses Applicable to the Electorate of Mawson—Travel To and From Kangaroo Island by Ferry and Aircraft
Report No. 8 of 2020—Review of Accommodation and Meal Allowances for Ministers of the Crown and the Leader and Deputy Leader of the Opposition
Report No. 9 of 2020—Accommodation Expense Reimbursement and Allowance for Country Members of Parliament
State Owned Generators Leasing Co. Pty. Ltd. (SOGLC)—Annual Report 2019-20
State Procurement Board—Annual Report 2019-20
Tourist Commission, South Australian—Annual Report 2019-20
Transmission Lessor Corporation—Annual Report 2019-20
Treasury and Finance, Department of—Annual Report 2019-20
Urban Renewal Authority (trading as Renewal SA)—Annual Report 2019-20
Regulations made under the following Acts—
Public Sector (Data Sharing)—Data Sharing—Prescribed Purposes
Work Health and Safety—GDA2020

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

Controlled Substances Act 1984—Return of Authorisations Issued under Section 52 by SA Police, 1 July 2019-30 June 2020
Criminal Investigation (Covert Operations) Act 2009—Assumed Identities and Witness Identity Protection Annual Report from the Australian Criminal Intelligence Commission, 1 July 2019-30 June 2020
Legal Services Commission of South Australia—Annual Report 2019-20
Summary Offences Act 1953—Return of Authorisations issued to enter premises under Section 83C by SA Police, 1 July 2019-30 June 2020
Regulations made under the following Acts—
COVID-19 Emergency Response—Commercial Leases No. 2—Prescribed Period
Criminal Law (Legal Representation)—Legal Representation
Rules made under the following Acts—
District Court—Uniform Civil (No. 2)
Magistrates Court—Uniform Civil (No. 2)
Supreme Court—
Probate Rules—Amendment No. 2
Uniform Civil (No. 2)

By the Minister for Planning and Local Government (Hon. V.A. Chapman)—

Regulations made under the following Acts—
Development—Designated day—COVID-19
Planning, Development and Infrastructure—
General—Miscellaneous (No. 3)
General—Planning and Development Fund

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

Regulations made under the following Acts—
Electricity—General—Technical Standards
National Energy Retail Law (South Australia)—Local Provisions—Tariff Structures

By the Minister for Infrastructure and Transport (Hon. C.L. Wingard)—

Regulations made under the following Acts—
Road Traffic—
Miscellaneous—GDA2020
Miscellaneous—Technical Matters
Road Rules—Ancillary and Miscellaneous Provisions—Technical Matters

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

Lake Gairdner National Park Co-Management Board—Annual Report 2019-20
Regulations made under the following Acts—
Environment Protection—GDA2020
Native Vegetation—Recreation Tracks

Ministerial Statement

PEARMAN, PROF. C.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (14:10): I seek leave to make a ministerial statement.

Leave granted.

The Hon. V.A. CHAPMAN: Forensic Science SA plays a key role supporting the justice system in South Australia, and it is renowned for its outstanding scientific and pathology services, research and innovation. This traditional excellence is fostered through the leadership team and a workforce that is supported and encouraged.

Today, I would like to acknowledge the achievements and leadership of the current Director of Forensic Science SA, Professor Chris Pearman, who will be retiring in November. Professor Pearman has led Forensic Science SA for the past seven years, during which there have been significant advancements in forensic science, some pioneered here in South Australia.

Over the past few years, Forensic Science SA has been a leader in familial searching, a process that involves identifying potential offenders through the DNA profiles of family members. It is through familial searching that the agency was able to help identify a suspect in a cold case of over two decades ago. In 2015, it was a familial search undertaken by Forensic Science SA that led to the arrest of the rapist terrorising North Adelaide.

Professor Pearman has been a strong advocate for harnessing the latest technology and techniques available in forensic science and applying them to the work undertaken in SA. Following his advice and advocacy, the Marshall Liberal government funded a new dedicated CT scanner for Forensic Science SA, which was installed this year. CT scanning is an increasingly useful tool in forensic medicine, streamlining the process of post-mortem examinations, reducing the number of full post-mortem examinations required and thereby reducing waiting times for grieving families.

Under the leadership of Professor Chris Pearman, Forensic Science SA has led the nation in cutting-edge research. An important study published earlier this year examined the post-mortem examinations of children and found concerning levels of methamphetamine. Led by Professor Roger Byard, the research showed the effects methamphetamine can have on families and why more needs to be done to curb its use.

In this year's Ross Vining Memorial Forensic Science SA Awards, there was recognition of a recent trial study that provided important information on drugs concerning harm and an unexpectedly high use of the drug ‘fantasy’ in the community. Also among those recognised were staff who supported Forensic Science SA becoming the first laboratory in Australia to gain national accreditation for activity-level reporting and its use in case work. Activity-level reporting allows better interpretation of the likelihood of transfer of DNA, improving the reliability of evidence presented in the justice system.

Forensic Science SA also continues to be well represented in the National Institute of Forensic Science’s annual Best Paper Awards. Out of the 23 awards issued over the past five years,

18 have been to Forensic Science SA staff, and 12 out of 18 papers highly commended over this period have also been from Forensic Science SA staff.

Another stand-out achievement in recent years has been Forensic Science SA partnering in the international commercialisation of world-leading DNA interpretation software and contributing to a national project on the transformation of forensic gunshot residue evidence. It is these achievements that placed South Australia at the forefront of this highly specialised field.

Professor Pearman has made an outstanding contribution to the field of forensic science. He joined the Forensic Science Centre when it was established in 1985, initially working as a forensic scientist within its biology section and then undertaking cases of alleged sexual assault and homicide. Professor Pearman developed considerable expertise in DNA analysis, undergoing extensive training and experience, reporting on DNA analysis in criminal cases.

He was appointed as the manager of the biology section in 1998 and had responsibility for quality control, accreditation standards, overseeing training of new staff, and research and development. Professor Pearman provided evidence in a landmark trial in which the use of DNA profiling systems for DNA analysis was accepted by the courts. He has reported on DNA analysis for hundreds of cases in courts, providing evidence that has supported our justice system immeasurably. He is currently chair of the National Association of Testing Authorities' Forensic Science Accreditation Advisory Committee, representing Forensic Science SA.

I want to sincerely thank Professor Chris Pearman for his leadership of Forensic Science SA and for his contribution to public service and justice in our state. On behalf of the government and all his colleagues, I wish him all the best in his retirement.

Parliamentary Committees

JOINT COMMITTEE ON END OF LIFE CHOICES

The Hon. A. PICCOLO (Light) (14:18): I bring up the report of the committee.

Report received and ordered to be published.

Question Time

TRAIN SERVICES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:19): My question is to the Minister for Infrastructure and Transport. How much does it cost currently to run Adelaide's train network?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:19): I thank the member for his question and note he is referring to our outsourced contract with Keolis Downer, who will be running our train service.

Members interjecting:

The Hon. C.L. WINGARD: Mr Speaker, if I can give the fulsome answer, that would be greatly appreciated.

The SPEAKER: Order! The minister has the call.

The Hon. C.L. WINGARD: Thank you very much. That is what he is referring to and that is a $2.14 billion contract, including GST—

Mr MALINAUSKAS: That's not what I'm referring to.

The SPEAKER: Order, leader!

The Hon. C.L. WINGARD: —for 12 years. Just to make that point clear, $2.14 billion including GST is the contract. That includes operating and maintenance costs for the heavy rail network, so there is the combination of the two parts there. Maintenance costs are around $12 million to $15 million a year and that includes, of course, maintaining rolling stock, engines, bogies, wheels, and also rail tamping and signal replacement, so it's a big operating system.

What I can tell the Leader of the Opposition is that, last year, the operating cost of our train network was $133.6 million. That is excluding GST and excluding those maintenance costs. To run the operation it was $133.6 million. The great part about this is the Keolis Downer contract I spoke about will save South Australian taxpayers $118 million over 12 years. That is putting money back into better services.

They are renowned for delivering better services. Actually, just this Thursday, I think, they are in the finals of the Australasian Rail Industry Awards for service delivery. They won it last year for their service delivery on the Gold Coast for the light rail contract they have up there and they are in the awards and a finalist for their service delivery on Yarra Trams. Of course, they are contracts that they have had and I think they were given to them by previous Labor governments.

They are the figures and we are excited. We are excited to be delivering better services and, at the same time, saving money for the taxpayers. When we came into government, that is what we said we would do—more jobs, lower costs, better services—and that is what we are delivering.

The SPEAKER: Before I call the leader, I call to order the leader, the Deputy Premier, the member for West Torrens and the member for Playford.

TRAIN SERVICES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:22): My question is to the Minister for Infrastructure and Transport. Will the minister commit to releasing a detailed breakdown of the current operating cost prior to the Keolis Downer contract for running Adelaide's train network?

The Hon. S.S. Marshall: That was just the previous answer.

Mr MALINAUSKAS: No, it wasn't.

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:22): Yes, it was. I just gave that answer.

The SPEAKER: Order!

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order, Premier! I think the minister has completed his answer.

TRAIN SERVICES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:22): My question is to the Minister for Infrastructure and Transport. What is the current maintenance cost of the Adelaide train network, prior to the Keolis Downer contract?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:22): With the greatest respect, all of that detail was outlined in my first answer.

The Hon. S.S. Marshall: It will be in *Hansard* in about two hours.

Mr MALINAUSKAS: Let's see. You said what the cost of maintenance was for Keolis Downer.

The SPEAKER: Order!

INFRASTRUCTURE FUNDING

Ms LUETHEN (King) (14:22): My question is to the Premier. Can the Premier update the house on how the Marshall Liberal government is building what matters and creating jobs through a record $12.9 billion investment in infrastructure?

The Hon. S.C. MULLIGHAN: Point of order: the question contains debate, contrary to standing order 97.

The SPEAKER: I hear the point of order from the member for Lee. The question arguably introduces fact. The member for King might like to seek leave to introduce fact. I will give the member for King an opportunity to do that.

Ms LUETHEN: Thank you, Mr Speaker. I might just adjust the question slightly. Can the Premier update the house on how the Marshall Liberal government is creating jobs through a $12.9 billion investment in infrastructure?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:23): I certainly can, and I would like to thank the member for King for her excellent question and her focus on delivering what matters for the people of King. She has done an excellent job. Earlier this year, in mid-August, I was with the member for King when we were there to announce the opening of the new roundabout at Golden Grove Road and Hancock Road as part of stage 1 of that upgrade. I know there were a lot of happy, smiling faces, not only there on the day but in the electorate, who use that important piece of infrastructure on an ongoing basis—and this is part of our $12.9 billion investment in infrastructure in South Australia.

What we are doing, especially during this COVID time, is building the infrastructure which matters for our state. Whether it be roads, whether it be hospitals, whether it be schools, whether it be the important infrastructure required by the people of South Australia, that's exactly and precisely what we are doing. And along the way we are creating many thousands of jobs, jobs that are directly involved in construction but also those jobs that flow on indirectly to local communities, and that is something that we are very proud of.

What we know is that we are fixing our regional roads in South Australia, a very important infrastructure upgrade which has been needed for a very long period of time. Recently, in fact last Friday, I passed through Port Wakefield, and it was very pleasing to see that site which will soon be fixed with the Port Wakefield overpass and duplication project which we know will create a huge number of jobs.

We are dealing with an issue, which was talked about by the previous government over a long period of time, and that is the sealing of the Strzelecki Track in South Australia, and one that I know the member for Stuart and also many people who use that important stretch of road, from a mining perspective, a gas perspective or from a tourism perspective, know is an important piece of infrastructure for our state, so we are getting on and delivering it.

The removal of the Ovingham and Hove level crossings we know is going to create hundreds of jobs and improve productivity in our state and, of course, sir, as you would be more than aware, duplication of the Joy Baluch AM Bridge, again another piece of important infrastructure. I saw some early works on the project when I was in Port Augusta with the member for Stuart on Friday last week. On top of this investment, we are also delivering a further $52 million into regional road upgrades through our regional roads network package, which is part of our overall COVID stimulus.

We are also upgrading schools right across the state. There is a massive expenditure in our schools—$1.3 billion—including brand-new schools at Aldinga Beach and Angle Vale and, in particular, a brand-new school for Whyalla, which I had the great fortune to visit on my recent trip to that fantastic city in South Australia. It is absolutely fantastic to see that 97 per cent of the steel in that construction comes from GFG in Whyalla. I know this was a huge opportunity of pride for the local people in Whyalla.

We are also very significantly investing in our health facilities across South Australia. Significant improvements are being made to The Queen Elizabeth Hospital, the Modbury hospitals and, of course, one project those opposite absolutely hate because they tried to flog it off, and that's the Repat site. We know this is hugely of great interest not only to our veterans community but all communities in South Australia who love that site. There is a huge amount of expenditure also going into our regional hospitals in South Australia because we are getting on and we are delivering what matters for the people of South Australia. We are building what matters for the people of South Australia—$12.9 billion worth of builds at the moment—creating thousands of jobs for our state.

Members interjecting:

The SPEAKER: Before I call the leader, I call to order the member for Cheltenham, the member for Giles and the member for Lee.

TRAIN SERVICES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:28): My question is to the Minister for Infrastructure and Transport. What due diligence did the government undertake to ensure the $2.14 billion cost to operate Adelaide's train network was going to deliver savings to South Australian taxpayers?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:28): Actually, the government went through a very thorough process, through the procurement process, in making sure that what we got was bang for buck for the South Australian taxpayer. I think I outlined those figures in my previous answers. Where we landed on that was a $118 million saving and better services for the South Australian taxpayer. That sort of saving, what that means is that we can keep reinvesting that into projects we need that the Premier just outlined, like the education projects we are doing—

Mr Malinauskas interjecting:

The SPEAKER: Order, leader!

The Hon. C.L. WINGARD: —like the hospitals that we are renovating, the Repat hospital that the Premier talks about, a great thing I know in the member for Elder's electorate, but we can also put back into infrastructure projects as well. I know we are expanding our prisons. We are doing that many projects. We are building what matters to South Australians, and by making those savings, getting better services for the South Australian taxpayer and delivering better public transport services.

We want to get more people back onto public transport. We know that under those opposite people dropped off public transport. We want to get them back and that comes with better customer service. Keolis Downer do an outstanding job in delivering customer service. We look forward to working with them.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:29): My question is to the Minister for Infrastructure and Transport. Can the minister confirm to the house that he just informed the house that the cost to the state for delivering the Adelaide Metro train services is $133.6 million per year but the Keolis Downer cost is $176 million per year?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:30): I won't go back to all the details because I will leave the member to go and look over *Hansard*—

An honourable member: Why not?

The SPEAKER: Order!

The Hon. C.L. WINGARD: —because I actually outlined it in my first answer and you didn't listen. I did outline very clearly that it was $133.6 million. That is excluding GST and excluding maintenance costs.

The Hon. A. Koutsantonis: Maintenance is 10 to 15.

The SPEAKER: Order!

The Hon. C.L. WINGARD: When you factor those in and we work it out over the journey of the contract, bearing in mind that in our escalations it's a 12-year contract—I don't think the member for West Torrens would be thinking he is paying the same in the first year as he is in the last—they are the figures. At the end of the day, when I sit down with the Treasurer and he works through the contract as well and says, 'There's a $118 million saving for the South Australian taxpayer,' trust me, he's looked at it very closely. It's $118 million—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —over the journey of the contract. That is what we are saving for the South Australian taxpayer, and they will be rewarded by that because we will be getting better services from the new service supplier and we will be able to reinvest that money into facilities that South Australia needs because it's very important that we build what matters.

The SPEAKER: Before I call the member for West Torrens, the member for West Torrens is warned and I remind all members that a questioner is entitled to be heard in silence and the minister answering the question is entitled to be heard in silence. This is not an opportunity to debate by interjection.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:31): My question is to the Minister for Infrastructure and Transport. Can the minister confirm that, in addition to receiving $2.14 billion to operate Adelaide's train network, Keolis Downer will also receive a share of ticket revenue?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:31): I have made this very clear in the past. What we have said is that, through the outsourcing of the operation and maintenance of this contract, the government will stay in control and ownership of the stations, the trains, the tracks, the fare box and also the scheduling. That leads us to the things that we are able to do as we go forward with this contract, and we have already outlined some of the great initiatives.

One of the key ones is probably the new Flinders Link line that we have talked about and the extra station—the new station built at Tonsley, the new station up at Flinders Link—that has enabled us to provide more services for some 44 new services a week. I think that it is more than 2,000 a year. That is around about 12,000 extra trips for the people along that line.

I know that people in the member for Elder's electorate, people who live on that Tonsley line, are incredibly excited about the more services that are going to be delivered for them because of the investment we are making in the Flinders Link line. I think it's some $141 million that we are investing in that to upgrade that system and, again, still all owned by the government. It will just be operated by Keolis Downer, who have that great pedigree and that great position of delivering outstanding services for a number of suppliers right across the country and, in fact, globally as well. This is going to be better services for the people of South Australia, exactly as we committed to at the last election.

Of course, you will also be aware that we are electrifying the Gawler rail line. It was talked about a lot on that side. It was talked about a lot—on and off the table, on and off the table. We are delivering. We are delivering for the people of South Australia better services as they need them to make sure that the people of the north are not forgotten here. Those opposite ripped this off the table on numerous occasions, but we are delivering that project, and it is generating jobs along the way, which is important too.

We have explained to the people on that northern line that there will be some inconvenience, and we want to work with them through that because what we are going to get for them at the end of the day are better services and we are going to generate jobs along the way. This is an exciting project and a great project to be delivering.

ROAD UPGRADES

Mr MURRAY (Davenport) (14:33): My question is directed to the Minister for Infrastructure and Transport. I ask the minister to provide an update to the house on how the government is building important road upgrades over the next six months.

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:34): I thank the member for Davenport for his question. I know he is really keen on the Flagstaff Road project. We were up there kicking this off. Early works are beginning on that very, very shortly—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —and big works will be happening, of course, next year. Again, we have discussed this, and we know there will be some inconvenience to the people in his electorate.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Member for West Torrens!

The Hon. C.L. WINGARD: He said to me he is very confident that his community will work with him because they have waited for decades and decades because those on the other side never delivered a project like this. So we are very excited to be doing this. We are putting our money where our mouth is and we are building job-creating infrastructure.

Over the next six months, we will begin more than $1 billion worth of projects creating 1,300 jobs. That's jobs for South Australians. It's important to put that infrastructure spend in context. In 2016, those opposite were spending $200 million on transport infrastructure, on road projects, and in the next six months we are doing a billion dollars, a billion dollars out the door and moving, $200 million to a billion—have a think about that.

Over the next six months we will start those projects, and it's way more than those on the other side ever did. If I can just take some time to inform the house of some of these projects, and the Premier has already mentioned them, we can't go past the Joy Baluch Bridge. It is a really exciting program—again, ignored for years by those opposite but we are delivering it. There are some 114 jobs associated with that infrastructure build.

We have $124 million for the Port Wakefield overpass, the duplication project there, and 95 jobs on that project; work on the Strzelecki Track, again talked by those opposite and just ignored. We are delivering for our regions some 31 jobs on that project as well in the state's Far North. The north-south freight route is a $12 million project, with 25 jobs associated with that project as well, and in the city the Ovingham level crossing will create some 100 jobs as that project gets underway—so very exciting for the people in that community.

There are also our congestion-busting projects. These are important, that we get these jobs underway and we bust congestion in this city. There is the Portrush and Magill intersection upgrade; the Grand Junction, Hampstead and Briens roads intersection upgrade; Main North Road and Nottage Terrace upgrade—I know the member for Adelaide is excited by that one, and so is her community—Main North, McIntyre and Kings roads upgrade; and the Goodwood, Springbank and Daws roads upgrade is being delivered, and we are excited by that. It's a $1 billion tidal wave of projects that are going to get underway and 1,300 jobs in the process. So we cannot be happier to be delivering for our community because we know those on the other side just didn't do it.

Of course, road safety upgrades: we know our regions are far too over-represented as far as road safety and lives lost on our regional roads; it's just not acceptable, so we are investing heavily into that. We did inherit a $750 million road maintenance backlog from those opposite when we came into government. They ignored the regions for some 16 years. Well, we are delivering and we are fixing more than a thousand kilometres of country roads to help save lives. In fact, I was just up in the member for Chaffey's electorate over the weekend at the Sturt Highway and having a look at that, and we've got more works to do there because it has been ignored for so long.

We had a look at Browns Well Highway as well. That's one of those roads that got too hard for those opposite, so what do you do? Do you fix the road? Do you improve the road? 'No, just drop the speed limit.' That's the easy way out. Well, that's not acceptable and we won't be doing that. We are improving those roads. So a billion dollars worth of projects over the next six months are getting underway and, again, from those road safety perspectives we know how important audio tactile line marking is. Shoulder sealing and road widening are really important, and road lighting improvements are as well. It's all generating jobs—jobs in the regions, jobs for South Australia—and that's what we are about.

The SPEAKER: Before I call the member for West Torrens, I call to order the member for Mawson, warn the member for Playford and I warn the member for West Torrens for a second time.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:38): My question is to the Minister for Infrastructure and Transport. Can the minister rule out Keolis Downer having access to a share of ticket revenue in addition to the $2.14 billion they will be paid to operate Adelaide's train network?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:38): I think I outlined that in my previous answer.

Members interjecting:

The SPEAKER: Order! The minister has completed his answer.

The Hon. S.C. Mullighan: All hole and no doughnut.

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

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:38): My question is to the Minister for Infrastructure and Transport. In the first year of the contract to Keolis Downer, what is the payment being made by the state government to Keolis Downer for that one year?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:39): I thank the member for his question. It leaves me just wondering how he operated contracts when he was in this role. I can't believe, for commercial confidentiality, that he would have outlined year on year what everyone was getting paid across the course of the year. I have outlined what the contract is worth.

Members interjecting:

The SPEAKER: Order, the Deputy Premier!

The Hon. C.L. WINGARD: I have made that abundantly clear. Ultimately, at the end of the day, what that contract will deliver for South Australia—

Members interjecting:

The SPEAKER: Order, member for Playford!

The Hon. C.L. WINGARD: —is $118 million worth of savings, and they want to keep glossing over that. They want to keep glossing over the fact that actually we're going to get a better service for South Australian train users, we're going to reduce what it costs to deliver that so money is going to go back into taxpayers' pockets and we are going to be able to reinvest that in better services for South Australia. I can't be any clearer.

We came to the election and we said, 'More jobs, lower costs, better services,' and that is what we are delivering on. When it comes to public transport, we know that more people were using public transport 10 years ago than when Labor left office, and that's not good enough. So what we want to do is reinvest in our public transport, make it better and we can get people back onto public transport.

We know customer service is what people are looking for. We have signed with a company that excels in customer service. That is what they do. I mentioned the awards they won last year, the awards they're a finalist for this year. They do this really, really well. We look forward to partnering with them, working with them and delivering better services for the people of South Australia.

I talked before about the Flinders Link line and the extra trips that we're going to have, some almost 12,000 extra trips on that line. Again, what we are doing is going out and we're consulting with the people who live on that line because it's going to service the hospital, of course, and the university. We know people who work up there—shiftworkers, nurses and the like—might have a say, and students as well. They're going to have a look at the timetable. They might have a situation where they have a uni lecture that starts at 8.30, let's say, and the train might arrive at 8.33 or 8.34. We can have a look at that and say, 'Let's bring that forward and make sure that we can get them there and get them to their lecture on time so they can use the public transport system.'

This is better services. It's what we committed to for South Australians. Not only are we saving money along the way—

Members interjecting:

The SPEAKER: Order, the leader!

The Hon. C.L. WINGARD: —we're getting a better service so that South Australians can benefit into the future.

REPATRIATION GENERAL HOSPITAL

Mrs POWER (Elder) (14:41): My question is to the minister representing the Minister for Health. Can the minister update the house on how the Marshall Liberal government is building what matters for the residents of southern Adelaide?

The Hon. S.C. MULLIGHAN: Point of order: on the same one I raised previously, sir. The question contained debate—and the same debate at that.

The SPEAKER: I hear the point of order; I don't agree. The questions are different. There was the introduction of fact in the first version of the member for King's question. I don't accept the point of order in relation to that expression. The Minister for Education, representing the Minister for Health.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:42): I am very pleased to have this question from the member for Elder, who cares deeply both about the health of her community and about what matters to her community. A demonstration of what matters to the people of Elder and indeed the people of South Australia couldn't have been clearer than when the veterans, who were on the steps of Parliament House for that great length of time, collected in excess of 100,000 signatures, the biggest petition in the history of South Australia, to demonstrate that what mattered to the people of South Australia and what mattered to the people of Elder was indeed a secure future for the Repat as a health precinct, as opposed to the Leader of the Opposition's view as health minister, which is that it should be apartments and cafes.

This government has, through the health portfolio, revitalised the Repat, and that is a body of work that will continue. It's part of a $1 billion investment that this government has on the books for the health portfolio and part of our $12.9 billion investment in building what matters for the people of South Australia. There is a range of programs that are particularly beneficial to the people of southern Adelaide, the people in the member for Elder's electorate and the broader community.

Of course, some of these build on the circumstances that we found ourselves in when we came to government, a situation where the previous government's policy of the Transforming Health experiment would have seen the Repat closed—in fact, did see the Repat closed—saw Noarlunga downgraded and saw Flinders Medical Centre left as the busiest ED in Adelaide. The Repat has been revitalised. The apartment and cafe project has been replaced by a health precinct.

Not only did we cancel the sale of the site but a $100 million investment in the Repat is seeing it revitalised. We have already delivered on our promise to deliver a 12-bed specialist advanced dementia unit, which has been operational since mid-August. We have also completed building works on the 18-bed neurobehavioural unit, which will be operational later this year. Work is progressing on phase 2 of the project, with demolition to make space for the new town square, which is well underway.

One thing about these projects is that they are not just about building what matters for the health system. They are also delivering jobs, which are so critically needed at this point in time given our economic challenge presented by the coronavirus pandemic. In relation to the revitalisation of the Repat, I am sure the member for Elder will be thrilled to know that there are 500 jobs attached to this project, jobs for people bringing home pay cheques for their families every week.

The Southern Health Expansion Plan is also a critically important project for the members of the member for Elder's community and the broader health system. There is $86 million of investment into Flinders, Noarlunga and the Repat. It is transforming the Flinders hospital emergency department—which, as I said before, is the busiest ED in the state—into the largest ED in the state,

with an increase in treatment bays of 50 per cent, setting up that ED to deliver the service for the people who are using that service and so need it.

The Southern Health Expansion Plan has already delivered a new 24-bed ward to Noarlunga Hospital. That will enable the relocation of patients from Flinders, further providing better support for the Flinders Medical Centre. We are also increasing the acuity of available support in Noarlunga Hospital by enabling emergency and multiday surgery at the site.

Stage 2 of the Southern Health Expansion Plan is expected to be completed mid-2021, delivering on our promise to increase services and capacity at our hospitals in the south and creating a further 350 jobs. The work that is being done in the health portfolio by my colleague and friend the Minister for Health, Stephen Wade, and his team is $1 billion of investment. It is providing the jobs that we need now, and it is providing the infrastructure, the social infrastructure, that we need in the long term for the people of South Australia.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:46): My question is to the Minister for Infrastructure and Transport. What is the saving in the first year of the Keolis Downer contract to the taxpayer?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:46): Again, I think I have already outlined this answer. It is a 12-year contract, and the contract will be rolled out over that period. I have outlined the savings that we are going to get, the $118 million over the course of the contract. That's a contract we have signed, and we are going to get better services. Of course, built into that contract are KPIs to make sure those services are maintained, but that is how it should be. Those on the other side talk like, 'This has never happened. This has never happened before, the outsourcing of a supplier,' yet they signed similar deals with our bus contracts.

Members interjecting:

The Hon. C.L. WINGARD: Yes, it is hard to believe they have been complaining. Add to that, they signed with Keolis Downer.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: They signed with Keolis Downer. This is a company that they are criticising on one hand, but they signed contracts with on the other hand. It is really hard to fathom.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: At the end of the day, there is $118 million over the course of this 12-year contract going back into the pockets of South Australians.

Mr Malinauskas: How much in year 1?

The SPEAKER: Order, the leader!

The Hon. C.L. WINGARD: I am not going to go into the commercial details of the contract and nor would he if he were in my shoes, and he knows that. That's very mischievous. Again, he knows all about these contracts because they signed plenty of them with our bus contracts when they were in government. Again, our focus here is on delivering better services, and we will do that.

The SPEAKER: Before I call the member for West Torrens, I warn the Deputy Premier. I call the Premier to order. I call to order the member for Light and I warn the leader.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:48): My question is to the Minister for Infrastructure and Transport. When will the minister publicly release the $2.14 billion contract he has signed to hand over the running of Adelaide's trains to Keolis Downer?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:48): I have outlined that that is commercial-in-confidence.

AFFORDABLE HOUSING

Mr CREGAN (Kavel) (14:48): My question is to the Attorney-General, representing the Minister for Human Services. Can the Attorney please update the house on the state government's plans to build additional affordable housing for South Australians?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (14:48): It is indeed a pleasure to receive this question from the member for Kavel because across South Australia there has been an enlivening in relation to our affordable housing programs. The Minister for Human Services has spearheaded that development from the strategy that was developed last year and published in December to set out, for the next 10 years, our housing future, including affordable housing initiatives.

There are two of those I would like to report to the parliament that have been developed and are underway. First was the thousand new home ownership opportunities to low and medium-income earners by 2025. That's obviously a partnership between builders and developers.

Ms Cook: $400,000 is hardly affordable.

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

The SPEAKER: Order! The Deputy Premier won't respond to interjections.

Ms Cook: Affordable for who?

The SPEAKER: I call to order the member for Hurtle Vale. The Deputy Premier has the call.

The Hon. V.A. CHAPMAN: There will be construction from a mix of surplus land of SA Housing Trust and privately owned land to appropriate the investment into these private developments. The majority of housing, of course, will be in the Adelaide metropolitan area.

Ms Cook: There's no surplus land—just put homes on it.

The SPEAKER: The member for Hurtle Vale is warned.

The Hon. V.A. CHAPMAN: Some members might enjoy hearing where some of those other locations will be, but there will certainly be some in the regions. In terms of the affordable housing program, which is generally below the $400,000 mark, as at 31 of August, I can report to the house that the Housing Authority released a tender to deliver those and that tender is now being evaluated. Again, there is a combination of options in relation to land ownership, services on land identified by suppliers and, of course, that owned by the authority.

Over the next five years, $400 million is going into this. It's a major public investment on behalf of South Australians for the benefit of those who are either in the construction industry or ultimately the beneficiaries of these homes. In the meantime, we haven't sat idle in this department. The minister has proceeded with a 100-dwelling build for a housing construction program, a majority of which is to be sold off to affordable housing—again, a stimulus to builders. For those who are interested in this area, the single and two storey—some two or three bedrooms—will be built in Blair Athol, Edwardstown, Findon, Kidman Park, Kilburn, Morphettville, Mount Barker, Pooraka, Woodville Gardens, Taperoo, Tonsley, Croydon Park, Felixstow, Klemzig, South Brighton and South Plympton.

Again, this is exclusively available to low and moderate-income South Australians. The affordable pricepoint is between $365,000 and up to $419,750. Obviously, it's hopeful that there will be a number of these below the $365,000 pricepoint. Can I urge all South Australians, as I do in my own office and in my own street every day: there is $40,000 on the table in government grants,

including $15,000 from our First Home Owner Grant and $25,000 as a part of the HomeBuilder scheme. This is a magnificent—

Ms Cook: One person in South Australia has been approved for it—one person.

The SPEAKER: Order, member for Hurtle Vale!

The Hon. V.A. CHAPMAN: —contribution to be able to take advantage of this. In fact, it has been so popular that some of the builders have had to close off their books because they have really reached saturation point about what they are actually able to deliver. It is a magnificent initiative. The money is on the table. There is no better time, of course, for low and moderate-income earners to step forward, take advantage of this benefit and buy a home. The projects are underway, the builders are busy and obviously the money is flowing. Construction on the 100 homes is almost completely completed and I look forward to giving you a further update on the rest of this fabulous program.

Members interjecting:

The SPEAKER: Order! The minister's time has expired. Before I call the member for West Torrens, I warn the member for Hurtle Vale for a second time.

PUBLIC TRANSPORT CONTRACTS

The Hon. A. KOUTSANTONIS (West Torrens) (14:53): My question is to the Minister for Infrastructure and Transport. Will the minister commit to publicly releasing the trams and bus contracts that were outsourced?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:53): I think I have outlined quite clearly that there are commercial-in-confidence elements of these contracts that don't allow them to be released.

TRAIN SERVICES

The Hon. A. KOUTSANTONIS (West Torrens) (14:53): My question is to the Minister for Infrastructure and Transport. What will it cost to taxpayers to continue employing train operations staff not transferring across to Keolis Downer?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:53): I don't have that figure in front of me. I am happy to go away and have a look. What I can say is we have made it very clear throughout this process that I think there is some 200 or so train drivers who are in the system. I think 12 are paid as train drivers but don't work as train drivers. They are the last figures that I received. There are 176 positions across with Keolis Downer and those negotiations are going on now.

ABALONE INDUSTRY

Mr BELL (Mount Gambier) (14:54): My question is to the Minister for Primary Industries. Can the minister inform the house what support he will be providing to the abalone industry? With your leave and that of the house, sir, I will explain.

Leave granted.

Mr BELL: On 22 September, the abalone industry wrote to numerous MPs, including the minister, highlighting issues within the industry and the lack of action over the last six months.

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (14:54): I thank the member for the important question around the abalone industry. It certainly has been a difficult time for many fishers, whether it be abalone or any other fishing sector. It is certainly something that we are considering as we go through in terms of what we can do to support all the different industries in this space. We are certainly supporting where we can, and we are certainly looking at what we can do with the abalone industry.

INFRASTRUCTURE AND TRANSPORT DEPARTMENT

The Hon. A. KOUTSANTONIS (West Torrens) (14:55): My question is to the Minister for Infrastructure and Transport. Is the minister aware of a public report that chief executives of his department questioned his grasp of details? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. A. KOUTSANTONIS: An article in yesterday's *Advertiser* stated, and I quote:

…that department chiefs across many of the minister's former portfolios were less than impressed by their old minister and questioned his grasp of details.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, members on my right! The Minister for Infrastructure has the call.

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

The SPEAKER: Order! The Minister for Education is called to order.

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:56): I think the member for West Torrens is referring to Michael McGuire who, amongst other roles, was a very prominent adviser, I am told, to Kevin Foley. I'll leave it at that.

PROJECT ENERGYCONNECT

Mr COWDREY (Colton) (14:56): My question is to the Minister for Energy and Mining. Can the minister update the house on the latest voices of support or otherwise for Project EnergyConnect, the proposed interconnector with New South Wales? With your leave and that of the house, sir, I will explain.

Leave granted.

Mr COWDREY: On 8 October, the shadow treasurer, the member for Lee, when asked what the opposition's view on the interconnector was, said, and I quote, 'We think this is a terrible idea.'

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:57): I thank the member for Colton for this question. The member for Colton was not the only person who was very surprised and very disappointed in the member for Lee and that radio interview. I am sure that many opposite were disappointed in the member for Lee and that radio interview.

As this house knows, the Marshall Liberal government is committed to building what matters, and that includes a new transmission line to New South Wales, Project EnergyConnect, which will deliver cheaper and cleaner energy for South Australians and more secure energy for the state. This critical piece of infrastructure is set to save South Australian households $100 per year on their electricity bills once it's delivered and much more for small business.

The Hon. A. Koutsantonis: Is that retail?

The SPEAKER: Order! The member for West Torrens is on two warnings. The Minister for Energy and Mining has the call. He will be heard in silence.

The Hon. D.C. VAN HOLST PELLEKAAN: And, Mr Speaker, that saving is on top of the $158 saving, which has already been delivered and which continues to grow. This government is committed to delivering the interconnector. That's why we are underwriting early works to the tune of $200 million to make sure that South Australians can get the benefits of the project as soon as possible.

The Australian Energy Market Operator has deemed the interconnector 'critical', and a 'no regrets' project, which will help address the blackouts this state suffered under Labor. The federal government knows the project is important to driving down energy costs and delivering vital jobs, because they are also supporting it and keen to fund early works to speed it up.

Last week, the federal opposition—the South Australian opposition leader's colleagues in Canberra—announced they also support the project and increased interconnection.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: The Climate Council—

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order, Premier!

The Hon. D.C. VAN HOLST PELLEKAAN: —also supports the project saying, and I quote:

This project can cement South Australia as a leader in the energy transition and will accelerate progress towards the state's net 100 per cent renewable energy target, delivering the urgent emissions reductions we need to tackle climate change.

Households, businesses, workers, and the climate all win when the SA-NSW interconnector goes online. We call on all parties to support this important, job-creating project.

The Marshall Liberal government is supporting this job-creating project. The federal Liberal government is supporting it. The Clean Energy Council is supporting it. The Climate Council is supporting it. The market operator is supporting it. Everybody is in favour, even the federal Labor opposition in Canberra supports it. The only people who object to this state and nation-building project are those opposite.

In fact, according to the shadow treasurer, the member for Lee, they think it is a terrible idea. Just let that sink in. They think South Australians saving $100 a year off their electricity bills is a terrible idea. They think delivering hundreds of jobs is a terrible idea. They think—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —unlocking billions of dollars in renewable energy projects is a terrible idea. They think stopping the blackouts that South Australians suffered under their mismanagement of the energy system is a terrible idea. It seems the member for Lee had a case of temporary amnesia during his FIVEaa interview. Not only did he forget that it was his government that delivered the $477 increase to electricity bills in their last two years in office and that it was his government that delivered a devastating statewide blackout but he also seemed to forget why ETSA was privatised. I quote the member for Lee:

I also suspect that this interconnector is a strategy by SA Power Networks which you remember…used to be ETSA before it was privatised by John Bannon.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: I think you will find that John Bannon was the Labor Premier who nearly bankrupted the state and necessitated the long-term lease of ETSA. Those opposite are a mess when it comes to energy policy.

The SPEAKER: Before I call the member for Lee, I warn the Premier. I warn for a second time the member for Playford and I warn for a second time the member for Lee.

RAIL FUNDING

The Hon. S.C. MULLIGHAN (Lee) (15:01): My question is to the Minister for Infrastructure and Transport. Why did South Australia receive no funding out of last week's federal budget's $5.6 billion National Rail Program?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:01): I thank the member for his question and note the projects that we are partnering with the federal government on when it comes to rail projects. That would be the Gawler electrification rail project, with some significant investment and spend. We are getting to work on that straightaway and generating jobs. I have mentioned the Flinders Link project—again, another fifty-fifty project to extend that. That's a $141 million project. Then, of course, we have our grade separations that we have talked about at Ovingham and also at Hove.

An honourable member interjecting:

The Hon. C.L. WINGARD: He wouldn't know. Trust me. He would not know. Of course, as part of the Flinders Link project, we got the infrastructure—

Members interjecting:

The SPEAKER: Order, members on both sides!

The Hon. C.L. WINGARD: —spend there to improve the new Tonsley station as well to build a whole new station on that train line—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —which I know people will be very happy with. We will always continue to work with the federal government and get more money where we can. We have a very constructive relationship with the federal government. We have, over the next four years, $12.9 billion to spend on infrastructure. It's a sum that those opposite could only dream of when they were in government, but it is very exciting to be delivering these projects and making sure we are getting them out the door.

We will keep working. Again, those opposite never did when they were in government, but we will keep working with that. What we did get through the most recent federal budget was a $7.5 billion spend on transport infrastructure. We got $625 million of that, which we are very grateful for. There are some wonderful projects that we will get moving as quickly as possible. We are also looking at our road safety projects and making sure that we can get ours out the door, stimulus projects, to deliver what I was talking about earlier, more of these road safety projects in the regions where our roads have been neglected for so long.

RAIL FUNDING

The Hon. S.C. MULLIGHAN (Lee) (15:03): My question again is to the Minister for Infrastructure and Transport. Which projects did the government submit for funding in rail for this year's federal budget? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. S.C. MULLIGHAN: On radio FIVEaa on Wednesday last week, federal Treasurer Josh Frydenberg said—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: On radio FIVEaa last week, federal Treasurer Josh Frydenberg said:

> We have a major set of initiatives around rail infrastructure and rail programs, and they're not designed to keep one particular state out of that support. It's designed to boost specific projects in specific areas of need and, if there is a specific project in South Australia that is to be brought to the minister's attention, I'm sure he'll give it due consideration.

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:04): I thank the member for the question and, yes, I can run through the co-contributions that we have been having—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. C.L. WINGARD: —with the Gawler electrification project. Of course, it is again one that those opposite just left swinging in the breeze, so it has been great partnering with the feds and getting the money to deliver that. I have talked about Flinders Link ad nauseam, but I can talk about it again if the member would like. What we have also done is put money into a number of planning studies right across the state, and through metropolitan Adelaide more specifically, to make sure we can get the planning works done—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Order, member for Lee!

The Hon. C.L. WINGARD: —when we put these projects forward. A number of those key projects are around grade separations and we will keep working with the federal government on that. We will be delivering the ones that I have outlined already—Ovingham and Hove—and we will be working on plenty more into the future. That number again is $12.9 billion. We look forward to rolling it out and growing it even bigger into the future.

SCHOOLS, YEAR 7 REFORM

Dr HARVEY (Newland) (15:05): My question is to the Minister for Education. Can the minister provide an update on how the Marshall Liberal government is building in preparation for year 7 students moving into high school?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:05): I am very pleased to have this question from the member for Newland and it is a great opportunity to outline how, in the education portfolio, we are building what matters to the people of South Australia.

That means a substantial generational upgrade to more than a hundred schools around South Australia; new schools being built in Aldinga, Angle Vale, Whyalla and, indeed, the regeneration of an old school into a new public high school in the town of Goolwa; a range of upgrades to ageing or dated infrastructure or infrastructure that is no longer fit for purpose and appropriate; and a series of investments to improve the capacity of particular schools, those experiencing population growth and those where capacity is needed for the provision of year 7s to move into high school.

There is a range of schools across South Australia that are benefiting—more than a hundred in the public school system, as I said. It is really important that we think about how year 7 to high school is providing this opportunity. There is an investment of well in advance of $100 million that was particularly announced at the beginning of 2019. That was to support the move of year 7 into high school and address a range of capacity issues that were identified through the planning process for year 7 being moved into high school.

One of the things we discovered was that there was very little demographic advice feeding into school infrastructure builds in South Australia and a need for us to create 20,000 extra places in the high school system in South Australia. I think a touch over half those 20,000 places was specifically in relation to year 7, but about half of it was in relation to population growth and enrolment trends. We have made those necessary investments. It is all part of a $1.3 billion program of investment in our school infrastructure across South Australia and it is going to be seen and welcomed by many communities.

Part of the reason that we are so excited about it now is that it means thousands of jobs, thousands of jobs on building projects that are currently underway. The three new schools that we identified have shovels in the ground, cement being laid and South Australian steel being erected. There is some outstanding work that is proceeding. I was passing the Aldinga school in the member for Mawson's electorate recently and the extraordinary development just in the three or four weeks since the Premier and I last visited was outstanding to see.

It is also going to have massive, lasting implications for our education system in terms of the benefits that come from the year 7s being in high school. This is an instructive note to say that we are the last jurisdiction and the last system even in South Australia to be making the move. That is not the reason we are moving year 7s into high school, as we were often accused of by the opposition when we put forward the policy, but it is instructive that we have made this decision, as has every other jurisdiction and as has every other system in South Australia, because of the benefits it unlocks for our students: that they be able to receive the curriculum in the way that it was designed to be delivered, with special subject teachers and specialist learning environments for the provision of these subjects.

One of the things about the building program is that it is schools like Roma Mitchell College, for example, in the member for Port Adelaide's own electorate, where there is a $15 million build going on. That is not just to create new classrooms for students to fit them there rather than at a

primary school down the road: that is to create environments where year 7 students will be able to receive the curriculum in the way it is designed to be taught. That is to deliver specialist learning areas as well as general learning areas—modern facilities, facilities that are designed for these students to get the benefit from the teaching and learning available to them.

At a school like Roma Mitchell College, which is taking leaps and bounds forward, they have just got accreditation to deliver the IB Diploma a year earlier than expected, for example. This new investment of $15 million at Roma Mitchell, $1.3 billion around the state, will unlock that potential. When Roma Mitchell is finished, like so many other schools, at the end of next year for the 2022 school year, I know those students and those families are going to be very excited.

Members interjecting:

The SPEAKER: Order! The time for the minister's answer has expired.

FUEL PRICE MONITORING

Ms BEDFORD (Florey) (15:09): My question is to the Attorney-General. Why did the Attorney-General inform the public real-time fuel price monitoring would be in place by spring when, according to the commissioner for consumer affairs, that was never a realistic time frame? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms BEDFORD: In your media release of 23 July, you stated the government intended to have real-time fuel price monitoring up and running by spring. In testimony to the Budget and Finance Committee yesterday, the commissioner for consumer affairs, Mr Dini Soulio, said in response to questions, and I quote:

> I think the use of the word 'spring' in a media release was unfortunate and I am not sure how that slipped into there.

And he answered to a further question, 'I think autumn next year is realistic.'

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (15:10): I thank the member for her question. As I indicated to her, when she asked me about this several weeks ago, I confirm that as at July we did expect that this matter could be delivered in that time. As I reported to the parliament during the debates, the member for Florey herself raised serious concerns about the alleged conduct of one of the principal data providers, indeed the data provider to the Queensland Labor government, whose model we presented to this parliament, who have now accepted that model, for the introduction.

Such was the scathing level of criticism of that particular agency, I subsequently had a conversation with the commissioner, Mr Soulio. He felt, in light of the statements made, it was prudent that a full tender process be initiated to invite other data providers for that selection. I make no comment on the validity of the statements made by the member for Florey in relation to that operator.

I note, from what I understand, that there's been no distancing of the Queensland Labor government from their contractual arrangements with this particular provider; nevertheless, it was prudent, on the advice of the commissioner, that he go to full tender. Obviously, that was going to take some months. He informed me of the same. I subsequently made public statements to confirm that that tender process is expected to be completed before Christmas, and I stand by both statements.

FUEL PRICE MONITORING

Ms BEDFORD (Florey) (15:12): Supplementary: I just wanted to clarify, Attorney, that you are saying this Christmas? And, to just refresh our memories, the concerns I raised were those raised by the ACCC, not concerns I myself formulated under my own steam—ACCC concerns.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (15:12): I will take that as a comment. Nevertheless, yes, the public statements that I have made on the advice from Mr Soulio are that he will have completed the tender process and selected a data provider for the initiative that the parliament has passed.

In relation to the ACCC assertions, yes, member for Florey, it made assertions in relation to an undertaking that was given by this particular company to the ACCC in relation to the production of material free of charge, and data, which is ongoing. Allegations in relation to whether there was any inappropriate, improper conduct in relation to this company have been made. As I say, I make no assessment or comment in relation to the validity of those assertions. It's an ongoing contractual arrangement with the Australian Labor government in Queensland, and I respect that.

I don't think there's anything further I can add. The member for Florey might like to reflect on making such assertions in the parliament if in fact they are not followed through; nevertheless, they have been made. The commission has made the assessment that, in light of that, a full tender process should be undertaken. That is on its way, and I am advised that that will still be completed before Christmas.

NORTH-SOUTH CORRIDOR

The Hon. S.C. MULLIGHAN (Lee) (15:14): My question is again to the Minister for Infrastructure and Transport. Did the government ask for funding for the final stages of the north-south corridor to be brought forward to inside the federal budget's forward estimates?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:14): I thank the member for asking again about this very important project. I go back to the question he had before about the rail projects and which bucket of money the funding comes from and note that he is not happy about those projects that we were talking about because they didn't come out of the bucket he was looking at. But, again, the significant spends that we have there must be noted and we thank the federal government for partnering with us to deliver these projects. They are very, very significant.

As far as the north-south corridor is concerned, this is a really important project and I know this was put in the too-hard basket by those opposite. We have been doing the work—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —on this, formulating the strategic business plan so we can move this project forward. I'm really excited as we get to the final stages, and we will be making an announcement very, very soon on this project because it is an important infrastructure project for South Australia. It will generate lots of jobs. It will increase productivity and it will help give better services to people who use this piece of infrastructure.

We know that those opposite put it in the too-hard basket. They wouldn't touch it. They wouldn't do the planning. They wouldn't do any of that work around it. They just went for the stuff all around the periphery. We are, of course, dealing with Regency to Pym at the moment, a $341 million—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —project, which is a very, very positive project employing a lot of South Australians. We have talked about Bowhill Engineering and their involvement with this project, which is generating jobs here in South Australia through this piece of infrastructure. It is travelling along wonderfully well.

The member also talked about the financial structure of the federal budget. As we know, there is money in the next four years of the forward estimates and then there is money in the out years as well. We will be looking to bring forward that money where we can and we will be looking to again partner with the federal government.

We know the north-south corridor is a very important project for South Australia and we are very focused on making sure we deliver the right solution for South Australia because that is what is important, too. It's not just about talking about the project. It's about getting out, doing the work and delivering the right solution because we know what happened when someone over there got his fingers on the Darlington project. We had slides, the geotech work wasn't done and the background

work wasn't done and that is what causes problems when we are delivering significant projects like this.

We will continue to work with the federal government. They are very excited by this project. They are very excited by the work we have done so far and we will be talking to them as we take this project forward.

MURRAY-DARLING BASIN PLAN

Mr WHETSTONE (Chaffey) (15:17): My question is to the Minister for Environment and Water. Can the minister outline how the South Australian government is securing and building infrastructure investments for the future as part of the Murray-Darling Basin Plan?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:17): It's great to have—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —a question from the member for Chaffey on the Murray-Darling Basin. I don't get any from the other side on the Murray-Darling Basin.

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. D.J. SPEIRS: I don't hear much, so it's really good to have members on this side who actually care about the Murray-Darling Basin—

Members interjecting:

The SPEAKER: Order, the leader!

The Hon. D.J. SPEIRS: —who care about the delivery of environmental water and, importantly, who care about the resilience and sustainability of the reaches of the river within South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: It was great to be able to work alongside federal Minister for Water, Keith Pitt, to make an announcement earlier in the year in early September that again we will see a significant injection of funding to undertake a whole range of projects in the South Australian reaches of the Murray-Darling Basin and this is a direct result—

Mr Malinauskas interjecting:

The SPEAKER: The leader is warned for a second time.

The Hon. D.J. SPEIRS: —of us being able to work with the federal government, rather than scream from the sidelines and rather than try to derail the Murray-Darling Basin Plan—

Mr Picton: Capitulate.

The SPEAKER: The member for Kaurna is warned.

The Hon. D.J. SPEIRS: —for cheap political points and media releases. We actually sit down with our colleagues in the federal government, not just in my portfolio but in the Minister for Infrastructure and Transport's portfolio—we have just seen the fruits of that—the Minister for Energy's portfolio and the Minister for Education's. Many of the ministers on this side of the house are working on a daily basis with our federal colleagues in a cooperative relationship that is delivering for South Australia, and that is exactly what we are seeing with regard to the Murray-Darling Basin Plan.

There will be $37 million coming towards beneficial infrastructure that will improve the resilience of the river's environment and will go towards projects that will assist the survival and the

health of the anabranches, particularly of the river in the Riverland area of South Australia, to provide sustainability around native fish populations because we know how important those are and what an indicator they are of the overall health of the river. Again and again, examples keep on coming of how our cooperative relationship is delivering for the river.

We saw over $70 million set aside to undertake works in the Coorong. We set up the Coorong Partnership, a group of local stakeholders who are working alongside my department and me in my role as minister, to drive forward projects—both scientific research projects and practical and environmental projects on the ground, and potentially infrastructure projects down the track—to drive the sustainability of those fragile areas.

We believe in the Murray-Darling Basin Plan. Even though much of the basin over recent months or recent years has been gripped by drought, we have seen the river in South Australia, the Lower Lakes and the Coorong, remain relatively healthy and retain a relative level of resilience in the face of that upstream drought. And why is that? That is because we have the Murray-Darling Basin Plan in place. Those opposite want to destroy that plan. They want to blow it up. They have said that publicly. They want to tear it down, and that puts at risk all the environmental water—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. D.J. SPEIRS: They are not trying to fight for the 450 in any way. They want a cheap media release—

Mr Brown interjecting:

The SPEAKER: Order! The member for Playford will leave for 30 minutes under 137A.

The Hon. D.J. SPEIRS: —a cheap, lazy, media release—

The SPEAKER: The minister will pause for a moment.

The honourable member for Playford having withdrawn from the chamber:

The SPEAKER: The Minister for Environment and Water has the call.

The Hon. D.J. SPEIRS: Thank you, Mr Speaker. I will wind up by reiterating that it is only this side of the house—by cooperating with other jurisdictions, by working with the federal government and ignoring the virtuous signalling, the gestures, the media releases and the slogans and logos from the other side—that will deliver for the Murray-Darling Basin and its irrigation communities.

Grievance Debate

BAROSSA VALLEY

The Hon. A. PICCOLO (Light) (15:21): Today, I would like to update the house on some of the things I have learnt from my travels to the Barossa Valley over recent weeks. It has been insightful to meet a number of people, and to get some insights into how the Barossa Valley is dealing with COVID-19 and also some history of the valley and their vision for the valley from a number of people.

I met with some really interesting and important people in the community. By 'important', I mean people who roll up their sleeves and do the hard work in those communities. I will just mention some of them and provide further reports to this chamber on other occasions. I met Chris Linden from the Vine Inn, Jack Ferrett from the Tanunda Club and Neil Retallick from the Barossa Co-operative. These three institutions are very important to the Barossa community and all of them have a community component to them.

The Barossa Co-op, obviously a co-operative, is one of the oldest and leading co-operatives in this nation. It provides an important service to the valley in terms of providing direct employment for the people in the valley. It also—like the other two institutions I will talk about in a second—actually reinvests in that community through a whole range of grant schemes. The Barossa Co-operative is a key institution based in Nuriootpa but it serves the whole of the Barossa. I was able

to meet with the CEO yesterday and have a lengthy discussion about his vision of what he thinks the Barossa Valley could be in the future.

Jack Ferrett is from the Tanunda Club. The Tanunda Club is a community-based club that provides a whole range of opportunities for organisations to have a place to meet and socialise. Importantly, the Tanunda Club reinvests a lot of the profits it makes into those communities, particularly sporting organisations and young people, so I commend the Tanunda Club for their work.

The Vine Inn is one of the oldest institutions in the Barossa Valley and one of the first community hotels and accommodation places and still is a community-based organisation which makes its services available to the community and, again, actually reinvests in the community. I am pleased to say that the whole of shadow cabinet will be visiting the Barossa Valley soon and holding a number of events at the Vine Inn.

On the economic side, I had the pleasure to meet with the CEO of Tourism Barossa, Jon Durdin; the CEO of the Barossa Grape and Wine Association, James March; and the CEO of the Barossa RDA, Anne Moroney. When you talk to these organisations and go through the challenges that businesses and industries, particularly the wine and grape industry and the hospitality industry, have faced because of COVID-19, you can see a community that is extremely resilient. That said, there are people who are hurting at the moment and these organisations are doing their best to support their member base.

Tourism Barossa is looking at new ways to attract new tourists to the town and to ensure that the Barossa brand is a strong and clear brand internationally. That is why they supported a range of planning reforms we undertook in government, which actually protects the Barossa brand. The Barossa RDA works with a number of organisations both in the economic sense and the social sense to make sure that community wellbeing through employment, industry and social services is maintained.

I had the great pleasure to meet three great women of the Barossa as well over the last few weeks: Jan Angas, Margaret Lehmann and Maggie Beer, doyennes of the Barossa. These women have an incredible passion for the Barossa, an incredible understanding of the Barossa and a fantastic vision for the Barossa. I learned so much from sitting down and talking with these three women about where the Barossa has been and where the Barossa could be in the future.

These women, amongst other people, have invested their lives in this region. I would like to thank them for making their limited time available to sit down with me and discuss what the future for the Barossa could be and what role a future Labor government could play and potentially a future Labor member for the area could play.

In terms of community services, I also met with Carers and Disability Link and Lutheran Community Care, and over the next few weeks I will be meeting with others. These organisations provide important and valuable services to the most vulnerable in our community. The Barossa is an extremely wealthy community, but there is also an element of poverty in that community and these three organisations are doing well. I was also able to attend the official opening of Elcies, which is an op shop, but an op shop with a difference in that it is a bit up-market. Funds from this op shop go to support Lutheran Community Care.

It has been a great pleasure to be able to interact with a number of people throughout the Barossa and to understand not only the history but also the future of the Barossa.

Time expired.

INFRASTRUCTURE PROJECTS

Ms LUETHEN (King) (15:27): Good things are certainly on the way. Together, we are building what matters. South Australia's record $12.9 billion investment in infrastructure over four years is so important because it will create thousands of local jobs and see improvements to our state's roads, schools, hospitals and housing. This spend is also fundamental to our recovery and rebuilding efforts post the South Australian bushfires and COVID-19 pandemic.

Infrastructure projects will improve the lives of everyday South Australians, supporting communities, families, businesses and industries to thrive, and sustaining jobs in the future. South

Australians will notice the big changes, whether it be intersection upgrades, public transport improvements or building and improving our state's hospitals and our state's schools. The jobs created through this $12.9 billion in infrastructure investment by the Marshall Liberal government are important to people living in King for so many reasons.

We know that working, whether paid or unpaid, is good for our health and wellbeing. It contributes to our happiness, helps us to build confidence and self-esteem and rewards us financially. Jobs help us buy a house, keep paying off our house, pay the rent, raise a family and put healthy food on the table. Jobs enable us to socialise, build contacts and find support. Jobs provide us with money to support ourselves and explore our interests. Jobs enable us to set and achieve goals.

Jobs have always been important to my family. My grandfather on my dad's side worked hard as a wharfie. My grandparents on my mum's side worked hard in the Caroma factory making toilet seats. My mum worked in retail and at SAPOL, and my extremely hardworking dad, a fitter and turner who just retired at 70, worked in great South Australian businesses, including the West End Brewery, Arnott's and Holden's.

At 12, I had my first job sweeping a very large car park at the Hollywood Drive-In at 5am, before the trash and treasure started. Then, at 15, I knocked on doors in the city to find my next job, which was washing dishes at a cafe in Adelaide. As a child growing up in and experiencing violence, I think always being busy—working, playing netball and learning—was what helped me cope and become resilient.

Working hard prepared me for my future, and now my focus is working hard every day on what matters most for people and businesses in the King electorate. What are some of the investments in King? At a local level, we are seeing 65 jobs created for the Golden Grove Road upgrade. Excitingly, stage 1 of the Golden Grove Road upgrade is nearly complete. This upgrade delivers safe paths to walk on, a smooth road to drive along, kerbs, stormwater drainage, lighting and traffic flow improvements. It is 20 years overdue, but now we are delivering.

Our government is delivering better services at Modbury Hospital and Lyell McEwin Hospital—better services and more jobs. The Modbury Hospital upgrade of outpatient services, an expanded operating theatre and emergency and palliative care, creates 160 jobs and a $96.6 million investment. The Lyell McEwin Hospital emergency expansion creates 71 jobs and a $58 million investment. The extensive upgrades of our local hospitals are part of our billion-dollar health infrastructure build across the state. We are committed to ensuring the north and the north-east communities have access to quality healthcare services.

We are investing in better educational outcomes for local students at Golden Grove Primary School, 15 jobs created and a $6 million investment; Greenwith primary, 12 jobs created and a $5 million investment; and Golden Grove High School, 38 jobs created and a $15.5 million investment. In our local environment, we are investing $1 million upgrading the existing trail network along the Little Para River and Dry Creek and building new trails. We are planting 10,000 native trees along the Little Para River and its catchment, which will enhance our open space and give us amazing local places to explore.

I am so proud to be working with the Marshall Liberal government to create more jobs and an improved future in South Australia. Our future certainly is bright. More broadly in Adelaide, the Lot Fourteen precinct, a $1.7 billion investment, is creating approximately 815 jobs. It just keeps coming: more jobs and a better future.

RAMSAY ELECTORATE SPORTING CLUBS

The Hon. Z.L. BETTISON (Ramsay) (15:32): Today, I rise to talk about the sporting and recreation clubs in my electorate. We know that they are at the heart of our community and they are there to support us. We know that in 2020 COVID has hit not only many businesses but people's livelihoods very hard. Many people were not able to engage in the sports they usually do for the time period they could, but we are getting back on track.

I was really delighted through the weekend to spend time with some of the sporting clubs in the Salisbury area. We know that there is a lot of excitement in our area because very soon we are

going to see the opening of Bridgestone Reserve. This was a commitment of $995,000 by the former Labor government. It is our second synthetic athletics track in South Australia, and I am very proud to say it is going to be in the north. It was going to be up and running for the start of this athletics season, which I was fortunate to celebrate with the Northern Districts Athletics Club, known as the Jets.

The Jets were hoping to start their season at Bridgestone, but due to COVID it has been delayed. No doubt, there is still enthusiasm for people to come together. This club came together as an amalgamation because they knew they were going to get this new facility. They brought together the Salisbury East Little Athletics and the Salisbury Amateur Athletics Club, and they came together to form the Jets. They look forward to starting very soon at this new club.

I was there for the official opening, along with the member for Playford, the member for Wright, councillors and of course the mayor, who was there to cut the ribbon to officially start the season. When they move to Bridgestone athletics track, the Ingle Farm Little Athletics and Salisbury Little Athletics are also going to be joining them there. We know that that investment by the Labor government is bringing together many, many clubs who are going to use top-notch facilities, and maybe one day we will see one of the people who started there representing us nationally and internationally.

On Sunday, I had a great invite to visit the Northern Knights in the Super League. I am not sure if you have heard of the Super League, but it is the lawn bowls equivalent of the SANFL. It has a shortened season, with live streaming and a very, very active player draft. The Salisbury representative in the Super League for lawn bowls is the Northern Knights. They are the blue and white team. Even though they have a shortened season, they have been very actively practising.

The reason that we can host a Super League in Salisbury is because of the investment to the dome in the Salisbury Orange Bowl lawn bowls club. Without that investment by the former Labor government, we would not be able to host a Super League team. The season is going to go from 25 October to 18 December. Make sure you do not miss it. Lawn bowls is for all ages—we have a very young member of the Northern Knights team—and it is mixed gender: men and women. They are the best at lawn bowls in South Australia.

The other group I have been spending time with is the Salisbury West Sports Club. They did it tough during COVID, but what they wanted to do was take this time to regroup. They were looking to be a much more family-friendly club and in particular they wanted to move away from their dependence on poker machines. One of the key things they did was invite soccer into the club. For an Aussie Rules club, this was a big change. What they wanted to do was let the local community know that the Salisbury West Sports Club is for everyone: football, soccer, netball, softball. You are welcome to be there, and they want you to come to watch a game, to play in a game and to share a meal. I thank all the volunteers from these clubs for their efforts to continue sports in the seat of Ramsay.

PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

Dr HARVEY (Newland) (15:37): Today, I would like to speak about Pregnancy and Infant Loss Remembrance Day, which is observed on 15 October each year. It is also worth noting that October is Pregnancy and Infant Loss Awareness Month. Pregnancy and Infant Loss Remembrance Day is a day when parents, families and friends remember those they have lost by miscarriage, stillbirth and newborn death. These are hidden tragedies impacting many thousands of families across our community; in fact, there are 106,000 cases of miscarriage, stillbirth and newborn death in Australia each year.

Whilst all forms of pregnancy and infant loss are extraordinarily tragic, today I would like to focus on stillbirth. Stillbirth is defined in Australia as the birth of a child without signs of life after 20 weeks' gestation or after attaining a weight of 400 grams or more. Stillbirth is the most common form of child death in Australia, affecting more than 2,000 families per year—that is six per day. Whilst, thanks to campaigns such as Red Nose Day, the incidence of Sudden Infant Death Syndrome in Australia has reduced by 85 per cent since 1990, the number of stillbirths in Australia has remained relatively unchanged for the last 25 years.

Even though stillbirth is statistically more common than SIDS, it is rarely discussed in public. Stillbirth is something we do not like to talk about. The death of a child, particularly one who has not yet been born, causes such unimaginable grief and trauma that it is not something we like to think about.

But a culture of silence and stigma surrounding this issue prevents important conversations from happening. Silence stymies the sharing of advice about some of the risks and signs associated with stillbirth that could help save lives. Silence also leaves families impacted by stillbirth feeling incredibly isolated, which exacerbates the trauma they experience, as parents are also less likely to be prepared to deal with the personal, social and financial consequences.

I have not personally had a stillborn baby, but there are those close to me who have. The shock, trauma and grief of their loss are immense. For one family, 12 years ago the excitement and anticipation of having their first child were cruelly taken away one night by the realisation that their soon-to-be-born daughter's heart had stopped beating. At a time when new parents should be sharing the excitement of their new child with family and friends, their family, friends and work colleagues were being informed of their loss, and they were instead planning a funeral for a child they had barely had the opportunity to meet.

Mum's feeling of guilt and regret continues for years, as well as a longing to turn back the clock to do things differently. Another mum frequently refers to her stillbirth as when she 'stuffed up', as though somehow it was her fault. Moreover, having more children following the death of their first child was an experience of joy and excitement but also involved a great deal of anxiety, apprehension and ultimately relief.

However, as a loving tribute to their daughter, her birthday is acknowledged each year with a birthday cake and singing 'happy birthday', and importantly this day is shared with her younger siblings. She was and is a member of their family. She was lovingly anticipated, lost too soon but will always be remembered.

The reality is that whilst not every stillbirth is preventable many are, and other countries have had success in reducing the rates of stillbirth. Improved community awareness and awareness amongst medical professionals have played a particularly important role in reducing rates of stillbirth in other jurisdictions through the sharing of evidence-based advice about the risk factors and signs associated with stillbirth, much in the same way as we have already been doing to reduce SIDS.

The experience in other jurisdictions and research being conducted right here in Australia are helping provide clinicians and expectant parents with good advice, but what is essential is for the stigma to be lifted on stillbirths so that these important conversations can happen, and that is where we can all help. At this point, I would like to acknowledge the important work of the Adelaide-based organisation, Still Aware, led by Claire Foord, which is focused on reducing the incidence of preventable stillbirth through increasing awareness and the sharing of evidence-based educational resources to both parents and medical professionals.

The second important role of increased community awareness is in supporting those families who have experienced stillbirth. Such an emotionally painful and traumatic event is not one that can or should be shouldered alone. Being able to talk about stillbirth openly and acknowledging the impact it has on so many within our community can only help support families through their grief.

So this Thursday, 15 October, let's support families who have experienced pregnancy and infant loss by acknowledging their loss, helping bring their grief out from the shadows and doing our bit to reduce the incidence of preventable stillbirths within our community into the future.

GENETICALLY MODIFIED CROPS

The Hon. L.W.K. BIGNELL (Mawson) (15:42): Facebook is an interesting place that throws up memories, and yesterday I was delighted to see a picture from seven years ago, taken on 12 October at the front of Parliament House, when the smiling Nick Xenophon and I stood together side by side against GM crops being grown in South Australia.

At the end of last year we saw Frank Pangallo, who came in on Nick Xenophon's ticket, start to waver about SA-Best's support for keeping South Australia GM free. So the Labor Party came up with a compromise position, which we took to the government and which the government accepted,

which would allow council areas to survey the local people in their area and then put forward proposals to remain GM free to keep the marketing advantage that many areas in South Australia enjoy, including the seat of Mawson.

All that work has been done, and several councils, including all those in the electorate of Mawson, have put up submissions to remain GM free. So today I am calling on the minister for agriculture, who shares an electoral boundary with the seat of Mawson, as well as part of the District Council of Yankalilla and part of Alexandrina Council, to abide by the wishes of the people in those communities and ensure that they are granted their GM free status.

In particular, I would like to thank Jennifer Lynch, General Manager of the McLaren Vale Grape Wine and Tourism Association, and her team who have put together a comprehensive comparison about what the industries of the McLaren Vale food, wine and tourism would look like if the GM ban were lifted in our local area.

They have put in a lot of work. They have some wonderful testimonies from people in Sweden, Finland, Switzerland, Norway, Russia, the US and other parts of the world who say that McLaren Vale—which currently has 37 per cent of wineries producing organic or certified sustainable or biodynamic wines, and that is 37 per cent against the national average at 5 per cent—is an exemplar in this area.

The economic benefit to the McLaren Vale region by retaining its GM free status is about $20 million, so the argument that the McLaren Vale Grape Wine and Tourism Association put forward was that this is a much bigger advantage than Kangaroo Island gets for the extra money they get for their canola, which is about $60 a tonne. So that was the premise on which the government said that they would lift the ban everywhere in South Australia, except Kangaroo Island, because of the marketing advantage and the extra value that Kangaroo Island gets.

It was a very good point made alongside a host of testimonials from some of the greatest wineries in the world and from people around the world who talk about what their market experience is. They say that McLaren Vale's reputation, and the reputation of the wineries within McLaren Vale, will be tarnished by this.

I also want to thank Mayor Erin Thompson and CEO, Scott Ashby, from the City of Onkaparinga for the great work that they did on going out to their communities, as did Yankalilla mayor, Glen Rowlands and the CEO, Nigel Morris. I am also grateful for the team at Alexandrina Council who have also put up a motion to the minister for agriculture to ensure that their council areas remain GM free.

I note that if we look at Kangaroo Island, then the Fleurieu Peninsula and then up through the Adelaide Hills and into the Barossa Valley, there is a desire for those areas where we produce some of the best food and wine anywhere in the world to also remain GM free. To the minister for agriculture, we call on you to honour the requests that the people of those areas have put in. They have followed all the rules. They have gone out and listened to the people in their area and put forward a very strong and a very well-argued case.

If you look at McLaren Vale and the Fleurieu Peninsula, we have the Willunga Farmers Market every Saturday morning which is home to scores of local producers. We have people who are in the agriculture minister's own electorate like Trevor Paech of Gum Park Beef at Mount Jagged. We have Tom Bradman down at Ashbourne who has Nomad Farms chickens and does an amazing job, and then people like Ben Ryan at Deep Creek in my electorate. These people see the future as being sustainable with fewer chemicals and less GM and more value-adding in terms of the reputational advantage that we have by remaining GM free. So to the minister for agriculture, I plead with you to please honour the people of our local area.

COLTON ELECTORATE INFRASTRUCTURE PROJECTS

Mr COWDREY (Colton) (15:48): There is no doubt that as a community, a state and a country, we are going through unprecedented times with COVID-19 affecting our lives. This is why our government is delivering a record $12.9 billion investment in infrastructure over four years that will create thousands of jobs for South Australians and see improvements to our roads, schools,

hospitals and housing. It is also fundamental to our economic and social recovery and rebuilding efforts, post the recent bushfires and the COVID-19 pandemic, to boost our economic productivity.

Infrastructure projects improve the lives of everyday South Australians. They support communities, families, businesses and industries. South Australia will notice big changes, whether it be to intersections or road upgrades, building or improving our state's hospitals and schools. I take this opportunity to outline some of the benefits of some of the projects in my local area of Colton, both social and hard infrastructure.

The first is the securing the future of our metropolitan coastline project, a $40 million-plus commitment that this government has made. We are now into our second year of increased sand replenishment on West Beach prior to the large-scale replenishment and the pipeline to be constructed from Semaphore to West Beach. I also note the significant work of the Charles Sturt council with regard to the rock wall that is nearing completion at the front of the West Beach surf club.

The redevelopment of Henley High School is a $12 million commitment for dedicated and specialised teaching areas that have long been missing from Henley High School. I visited the school just recently with the Minister for Education, Minister Gardner, and we had the opportunity to thank Principal Eddie Fabijan and the governing council for their work and input into the design. I also note the other school upgrades in the local area, or just outside the electorate, at Grange Primary School and at Underdale. These are obviously also significant pieces of infrastructure that will support our community moving forward.

We have had safety bollards installed at Henley Square, and I thank Charles Sturt council for their cooperation on that project, making the square safer for all who use it, especially young children who play in the fountain. Planter boxes have now been positioned between bollards, making it that little bit more difficult for children to see and move towards the road but still maintaining pedestrian access for wheelchairs and also for prams.

Since the election, we have also had the operating hours at the local Henley Beach Police Station restored, we have had 24/7 cardiac services returned to The QEH, after they were removed through the process of Transforming Health and ripped out of the heart of The QEH, and we have had a traffic calming project delivered at Kibby Avenue at Glenelg North. Of course, we have also had the celebration of the anniversary of the Vickers Vimy flight and, with the federal government and Adelaide Airport, the relocation of that aircraft into a more prominent location at the Adelaide Airport terminal. I will leave somebody else to perhaps go into the detail of that flight by Sir Ross Smith and Sir Keith Smith from England to Australia 100 years ago.

On 2 September, a few short weeks ago, the Henley Sharks family-friendly change rooms were lifted into place at Henley Memorial Oval. Some very big cranes were needed to bring in those change rooms. It was a really exciting project for that local hub of sports in the Henley area. Between the Henley Netball Club, the Henley Football Club, the West Torrens Cricket Club and also the Western Little Athletics Club, it will be a fantastic asset for that local area to use. We hope that, with the supporting infrastructure being completed in the coming weeks, it will be ready in time for the start of the cricket season and for the West Torrens Cricket Club, both the Eagles and the she eagles, to get out and to use that infrastructure.

I am incredibly proud to be part of a government that is creating more jobs and improving lives for South Australians. Together, we are building what matters. I would also like to take the opportunity to congratulate the Lockleys Football Club on their premierships this year, winning the division 5 A, B and C grade grand finals just a few short weeks ago. I also congratulate the Henley Football Club on their premierships in the division 2 B and C grades, and their respective coaches, particularly Jarrad Parker at Henley, who is finishing up his reign at the club—a fantastic effort over his years there.

These are exciting times in the west, particularly as we start to head into the summer season, with both the Henley Surf Lifesaving Club and the West Beach Surf Lifesaving Club having started patrols last weekend. We thank all those lifesavers for their work over this coming summer.

Time expired.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:53): I move:

That Mr McBride be appointed to the committee in place of Mr Cregan (resigned).

Motion carried.

Bills

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL

Committee Stage

In committee (resumed on motion).

Clause 39.

The Hon. V.A. CHAPMAN: I move:

Amendment No 24 [DepPrem–1]—

Page 30, after line 20 [clause 39, inserted section 75G]—After subsection (3) insert:

(3a) However, a reasonable direction under subsection (1)(b) that a member not attend a meeting of a council may only be given if there are no other reasonable directions considered appropriate in the circumstances to ensure the health and safety of the affected person.

(3b) If a reasonable direction under subsection (1)(b) that a member not attend a meeting of a council is given, the responsible person must ensure that a complaint relating to the matter is referred to the Behavioural Standards Panel.

These proposed amendments to new section 75G have been included following further consultation with the LGA. It is proposed that a reasonable direction not to attend a council meeting may only be given if there is no other reasonable direction considered appropriate to ensure the health and safety of the person affected. If such a direction is given, the responsible person must ensure that a complaint is referred to the Behavioural Standards Panel.

This will ensure that the matter is considered and dealt with by the panel and the inability of the member to not attend the meeting does not continue unreasonably or indefinitely. If the panel considers that the behaviour was sufficiently serious and warrants such a sanction, the panel may suspend the member from office for a maximum period of three months.

Ms STINSON: I have some questions about the clause in the bill and also in relation to this particular amendment, No. 24. I draw the Attorney's attention to the particular line 'no other reasonable directions considered appropriate', which is in subsection (3a) of the amendment. I wonder whether the Attorney could shed some light on how this would be interpreted in a situation, for example, where you have a staff member, who is the aggrieved party, who may be required to be at council meetings as a notetaker or an official who assists a CE.

Would it be determined that it was an appropriate measure to remove that staff member from the council meeting or would the interpretation be that 'no other reasonable directions' means that the council member would essentially be ejected from the meeting first? I am happy to rephrase that if the Attorney is unclear what my point is. Do you get what I mean?

The Hon. V.A. CHAPMAN: Yes. Perhaps I will just remind the member first that these relate to exclusion directions of the elected member, not the staff member. The competing interests here are that the council member, duly elected by either his ward or via another system through the election, is on council and needs to be present to have the opportunity to espouse the views of his cohort, I suppose, in the sense of representing his district. Against that is the management via a panel process of having some mechanism to ensure certain behaviour and conduct.

What is being considered here is not whether a staff member may or may not be excluded; it is all about the elected member. What is to be clear in this initiative is that only the exclusion is

moved to in the event that there is no other reasonable option. How the council manages the proximity, undertaking of duties that overlap with staff or any other matter, is really another issue altogether.

Excluding an elected member from undertaking his or her duties as an elected member by excluding them from council meetings is obviously a serious imposition. It is clear from this material that it is to be the last resort. It is a bit like saying that children should not go to prison unless it is the absolute last resort. I hope that makes it clearer.

Ms STINSON: It does make it clearer. I might just clarify my understanding of what the Attorney has just said. I suppose what I am getting at is if you have a staff member who, for example, has been the subject of taunts or threats from a council member and that staff member does not want to be at a meeting that the councillor is at, would it be the absolute last resort to remove the council member, or would it be seen as a reasonable measure to instead remove the staff member, even though they might not have done anything wrong and may feel indeed aggrieved that they are the one who has to leave the meeting? Might that be necessary in order to fulfil the objective here, that it is the last possible resort before removing a councillor?

The Hon. V.A. CHAPMAN: It is hard to make a comment on any particular example, and there are situations unquestionably (I am aware of them and I am sure the member would be aware of them) where there is tension between a member or more members of staff and a council-elected member. I think what the member is saying here is how do you protect a well-behaved staff member undertaking his or her reasonable duties where they might need to be excluded from an area themselves just to enable the elected council member to undertake his or her duties. I do not see that as the actual tension.

I think what is clear here is not the staff member. The staff member in any scenario may say, 'I don't want to be around this elected member. I don't want to have to correspond with this elected member. I don't want to have to speak to them or be in his or her presence. I would like to be relieved of that, so please don't allocate me duties that involve dealing with him or her. I would like all communications to be in writing or emailed.'

This is the type of scenario that may need to be looked at by a council as to how they best manage a situation, and that includes whether they are a staff member or another elected member. Anyone who is working in the precincts of the council and who comes up with some tension against the person who is allegedly acting inappropriately needs to be considered here, not just people who are on staff. What is here, though, is a process of review, assessment and discipline as such that relates to the elected member.

What we are saying here is that the exclusion option is to be considered when there is no other reasonable direction that would be appropriate. Another issue is the question of how you support and protect people who might be in the precinct of the council. It might be a member of the public who might be offended or distressed by the behaviour of or statements made by the person who is allegedly acting inappropriately.

Of course, councils need to be able to ensure that their staff are safe and that all other elected members can go about their business as elected members and, indeed, members of the public or clients of the council or contractors undertaking duties for the council. These are very busy places, as I am sure the member appreciates, with everyone from the local JP coming in to do voluntary service across to very significant business enterprises in which a lot of people are involved. I cannot really answer in relation to limited information on scenarios, but I just mention that this is all about elected member behaviour and how it is managed.

Amendment carried.

Mr DULUK: Attorney, I have a couple of questions in regard to clause 39 and directions of work, health and safety protocols. In new section 75G(1)(b) and 75G(3), the expression 'reasonable direction' is used. In the Work Health and Safety Act, the expression used is 'reasonable instruction'. What inference should be drawn from the use of these different expressions?

The Hon. V.A. CHAPMAN: None.

Ms STINSON: Can the Attorney describe why the provisions in clause 39 are even needed? It has been put to me that this is covered by the Work Health and Safety Act and also other existing legislation that surrounds workers' rights and that in fact this whole section is really unnecessary or duplicates the current legislation. If this is implemented as it is put, and there is a conflict with the Work Health and Safety Act, or any other act that might govern workers' rights, what takes precedence?

The Hon. V.A. CHAPMAN: Usually they both apply, but I think it is important to appreciate here that the Ombudsman has considered this issue. He sees a weakness or perhaps a gap in relation to identifying the application of the Local Government Act and the Work Health and Safety Act. If I could give you an example very close to home, Burnside council is in my electorate and of course they do a wonderful job, but they have had their challenges. One of them related to the very issue of the alleged conduct of an elected member and the impact that was having on a member and/or members of the salaried staff.

I recall my predecessor, the Hon. John Rau, who was then the minister covering industrial relations, indicating that he would ask SafeWork SA to have a look at that issue. About eight or nine months later nothing had happened, and I certainly had submissions being put to me by the council as if to say, 'Well, what are we going to do?' The reality is that it exposed the weakness, I suggest—but the Ombudsman's description was more a 'gap'—in these pieces of legislation. So even a former minister sent it off along one tunnel and it seemed to hit a brick wall. Meanwhile, people back in council land have to still deal with this difficult situation.

The Ombudsman was strongly of the view that this needed to be addressed and that protection needed to be recorded in this way in the act. That is why it is there. I think it is regrettable because, on the face of the allegations, whether or not they are substantiated, there was an instance when someone, for whatever reason, felt themselves quite under pressure—that is a kind way of describing it I think—in relation to their workplace. If we start from the premise that everyone is entitled to be protected within their workplace against misconduct of others and that there is an obligation in relation to the employer—in this case we are talking about councils—to make sure their staff are secure, protected and safe, then we need to fix it, and that is precisely why this is here.

Ms STINSON: I hope the Attorney will forgive me for this; obviously I am fairly new to the portfolio. Would she mind just elaborating on the exact deficiency that the Ombudsman identified in the Burnside case? Was it a deficiency in the Work Health and Safety Act? Could you just describe what the problem was there?

The Hon. V.A. CHAPMAN: I am not going to go into more detail in relation to that case.

Ms Stinson: In relation to the Ombudsman.

The Hon. V.A. CHAPMAN: In the Ombudsman's recommendation, what was clear was it was not seen as within the remit of SafeWork SA for them to investigate and deal with that matter, so we have to deal with it here. Alternatively, I suppose we could open the Work Health and Safety Act, but the recommendations here are that we address it here because this is an issue in relation to the council. We are setting up an alternative process, a bit like we did under the Equal Opportunity Act—not us particularly but the parliament did—to give an alternative process to deal with the management and mediation of sexual harassment allegations so you can within a certain area identify how that is to be dealt with.

I have to say that I think there is an appetite for trying to reach that balance, but because the local government themselves were looking at how they might—this is why it has developed over two years—manage behaviour and conduct of their elected members to obviously deal with other casualties, which include other staff and so on, they have really come forward with this program. When the Ombudsman had a look at it he said, 'This is an area where the gap needs to be filled.' We accept that advice and that is why it is in the bill.

Clause as amended passed.

Clause 40.

The Hon. V.A. CHAPMAN: I move:

Amendment No 25 [DepPrem–1]—

Page 30, after line 28—Insert:

(1a) Section 76(3)—after paragraph (b) insert:

(ba) the ratio of members to ratepayers;

Amendment No 26 [DepPrem–1]—

Page 30, lines 30 to 32 [clause 40(3)]—Delete subclause (3) and substitute:

(3) Section 76(13)—delete 'Minister from time to time after consultation with the President of the LGA and the President of the Tribunal' and substitute:

President of the Tribunal after consultation with the LGA

Amendment No 27 [DepPrem–1]—

Page 30, after line 32—Insert:

(4) Section 76—after subsection (13) insert:

(13a) The LGA may recover the reasonable costs incurred by the Remuneration Tribunal in making a determination under this section as a debt from the councils to which the determination relates.

Amendment No. 25 inserts a new paragraph to ensure that the Remuneration Tribunal of SA can consider the ratio of elected members to ratepayers when determining elected member allowances. While the intent of the broader reform is to set a maximum of 12 members to ensure that all councils have an elected member body that can operate as effectively as possible, concerns have been raised that this will make demands on members of very large councils. It is therefore proposed that this can be recognised in the tribunal's determination. So, when they are looking at those issues, they can obviously take that into account.

As to amendment No. 26, this substitution supports the system by which the Remuneration Tribunal makes a determination on council members' allowances, which is well established. The minister's role has therefore become redundant and adds little to that process. The amendment recognises this and removes this unnecessary step. However, the amendment also clarifies that the tribunal must consult with the LGA on the proposed costs of the determination.

Finally, the insertion outlined in amendment No. 27 allows the LGA to recover costs from the councils as a debt to cover the reasonable costs of the Remuneration Tribunal in making its determination. It responds to concerns raised by the LGA that it would be unable to include a contribution from a council that is not a member of the association but still benefits from the tribunal's work.

Just to remind members listening to this debate, the process in relation to the costs incurred to go to the tribunal will be dealt with via the LGA, and the costs for the ESCOSA process will also be managed through the LGA. It is not uncommon for associations or unions to have that responsibility. I will qualify that by saying that it will be directly paid for by the councils, but ESCOSA are maintaining a role in relation to how that will be distributed.

So there will be direct payment from the councils. The LGA are going to have an ongoing role in how that is structured. I have not asked for it. I do not want to be involved in that. The LGA are going to continue to maintain a role in relation to that, and we welcome that. I think that is important on behalf of the members, and they provide a number of other central services, if I can describe it as that.

Ms STINSON: My questions go to amendment No. 27. What costs are associated with the Remuneration Tribunal setting allowances and salaries? Is there some comparable example that the Attorney can provide where the tribunal provides a similar service to some other body that might inform us what the likely costs are, or has the Attorney's office done its own discrete work in relation to this on what the precise costs are going to be, which I understand are essentially billed to the LGA and then the LGA passes it on to councils? Can you describe exactly what those costs are? I understand that there is an assessment by the tribunal in relation to CEO salaries and allowances.

The Hon. V.A. Chapman: That is separate.

Ms STINSON: That is a separate thing. So there is one for the CEOs, but then there is also a separate one for the councillors. Are the costs the same for the CEOs' assessment by the tribunal and the councillors' assessment, or is there a different pricing regime? Really, I am after what the specific figures are and what the specific costs are that are going to be passed on to the LGA under this.

The Hon. V.A. CHAPMAN: Councils pick up the cost of the Remuneration Tribunal already in relation to the setting of allowances for its elected members. That has been going on for years.

Ms Stinson: For elected members?

The Hon. V.A. CHAPMAN: For the elected members. These are the allowances that they get, and that is what we are talking about here in this clause. They are set by the tribunal, and I am advised that it is regularly about $40,000 as a cost when they do that review. I am not sure how that gets distributed between the councils, but the LGA pays it and presumably they extract it from them in some way.

That has been going on for years. There is actually nothing new to that. The new part of this bill is that the CEO salary and entitlements will be subject to the Remuneration Tribunal. That is a new cost, but it is offset. It has not been presented to me from either an individual council or the LGA as to what costs they would save in their own legal advice and negotiations to deal with individual CEOs for whatever different jurisdictions they are in.

Size of council and size of budget are things that I am assuming would be relevant to those types of determinations, just like chief executives of major government departments. That is a new exercise, and I do not have any details of what that is going to cost or what they are going to save, and they are not sure. One of the biggest councils in the state has come to see me, and they were not able to give me any details either. They accepted that there would be offsets, but they are yet to see what they are.

They want this. Let's be very clear: one of the vexed issues for councils, especially for the smaller councils, has always been being able to select and negotiate chief executive entitlements and salaries. In a small community, in a small group, it is probably even harder because you do not often have independent expertise within the council to be able to deal with that. It is something, certainly in my time in this parliament, that various councils have raised with me as one of the single biggest difficulties in being able to deal with it. This is a process where they have already had experience with the Remuneration Tribunal. They see this as independent and we are happy to support it through this legislation.

Ms STINSON: To follow up on that, the Attorney said that at the moment councils are already paying this, and that is about $40,000. I want to clarify two things: (1) is that $40,000 for each assessment that the tribunal makes, and (2) does that mean that we can expect a figure of around $40,000 for each assessment of a CEO salary package?

The Hon. V.A. CHAPMAN: I have no idea what the figures will be in relation to the costs of preparing a submission and putting that to the Remuneration Tribunal about what their CEO should or should not get, or dealing with any rebuttal of whatever else is presented. Obviously, the Remuneration Tribunal does all sorts of assessments. As the member would know, they set allowances for members of parliament and they can set salaries for judges. There are lots of different bodies that utilise the service; it is an independent assessing body.

I am not sure that even the councils understand exactly what savings they will have from this, but it is such a burden on their capacity and desire to have to deal with this issue with or without the support of their representative body—namely, the LGA. It is a difficult issue. Perhaps selecting someone who is suitable for council is one thing, but trying to negotiate what the terms of the engagement are and the employment income, etc., is a hard issue.

We are not interfering with that; we are simply ceding to a sensible development of utilising a tribunal with which councils are already familiar. If they thought this was an agency that they did not like or did not want, I am sure we would have heard about that two years ago when they came out with another option, but this is what they want. As to the $40,000, my understanding is that when the tribunal does an assessment in relation to allowances for councillors—and, again, I am not sure

but I am assuming that it would be in relation to the size of the council, the allowances for travel, if they have to drive long distances to council meetings, etc.—all those things will be taken into account.

Quite possibly, they have different structures for rural as distinct from the peri-urban or urban councillors, or they may have some allowances if they are a council member who is outside the region. I think Kangaroo Island has a council member who is an off-island representative and that person lives somewhere north of the state, so obviously there are travel expenses. There would be different idiosyncrasies around each council. That is a venue for decision-making they have utilised in the past and they want it for this, and we are happy to support it, and they will pay.

Ms STINSON: I want to clarify a few things. This $40,000 the councils currently pay for assessments done by the tribunal, are they done en bloc, as in there is one decision that the tribunal comes up with and that applies to all councils and all elected members? Or is it the case, for example, that individual councils seek a ruling and they pay $40,000 every time there is a ruling on any of the, say, 68 councils?

The Hon. V.A. CHAPMAN: The $40,000 is one block fee the LGA pays every four years or when the tribunal does it, which I understand is every four years. The structure within that, whether it sets different parameters for councils within that block assessment, I have not reviewed myself. I would expect it probably does because of the reasons I have outlined. That is the way they operate it, and I do not propose to interfere with that. It seems to have been working for a very long time, and they are happy with that service, so happy that they want the CEOs' assessment to be done as well.

Amendments carried; clause as amended passed.

Clause 41 passed.

New clause 41A.

The Hon. V.A. CHAPMAN: I move:

Amendment No 28 [DepPrem–1]—

Page 30, after line 34—Insert:

41A—Repeal of section 78A

Section 78A—delete the section

This amendment seeks to insert reference to the repealing of section 78A and deleting the section. No regulations to establish a scheme of council members to directly obtain legal advice to assist members in performing or discharging their official functions and duties have been made under this section. Council may, and as I understand it generally do, deal with this through their own policies.

New clause inserted.

Clause 42 passed.

Clause 43.

The Hon. V.A. CHAPMAN: I move:

Amendment No 29 [DepPrem–1]—

Page 31, line 14 [clause 43(1), inserted subsection (2b)]—Delete 'the chief executive officer of'

Amendment No 30 [DepPrem–1]—

Page 31, line 16 [clause 43(1), inserted subsection (2b)]—Delete 'chief executive officer' and substitute:

'council'

Amendment No 31 [DepPrem–1]—

Page 31, line 18 [clause 43(1), inserted subsection (2c)]—Delete 'a chief executive officer of'

Amendment No 32 [DepPrem–1]—

Page 31, line 24 [clause 43(1), inserted subsection (2d)]—After 'section 76' insert:

, or reimbursement of expenses, or any other facility, service or form of support, that the member would otherwise be entitled to under this Act,

Amendment No 33 [DepPrem–1]—

Page 31, line 28 [clause 43(1), inserted subsection (2e)]—Delete 'chief executive officer' and substitute:

'council'

Amendment No 34 [DepPrem–1]—

Page 31, lines 29 and 30 [clause 43(1), inserted subsection (2e)]—Delete 'chief executive officer' and substitute:

'council'

Amendment No 35 [DepPrem–1]—

Page 31, lines 33 and 34 [clause 43(1), inserted subsection (2f)]—Delete 'chief executive officer of the council may' and substitute:

'council must'

I advise the committee that these amendments relate to the suspension of council members for non-completion of mandatory training. Amendments Nos 29, 30, 33, 34 and 35 have been made in response to concerns from the council chief executive officers that a role for them in suspending members for noncompliance of mandatory training is not appropriate. The amendments will make it the council's responsibility to implement a suspension on those grounds.

Amendment No. 32 clarifies that a council member cannot receive reimbursements or expenses or any other facility or support that the member would otherwise be entitled to under the act by virtue of their office for the period of the suspension. This would be like our Clerk of the House of Assembly being the person who is authorised to deal with us and suspend us, as distinct from us as a parliament dealing with it. That places that on its proper footing, and I seek that they be accepted en bloc.

Ms STINSON: I simply rise on this clause to indicate that Labor had received representations from CEOs and from the LGA in relation to the amendments that have now been filed by the Attorney-General. This is something to which we undertook to put forward an amendment as a Labor team, but I am pleased that the Attorney has put these forward and we will be supporting them.

Amendments carried; clause as amended passed.

Clause 44.

The Hon. V.A. CHAPMAN: I move:

Amendment No 36 [DepPrem–1]—

Page 32, lines 18 to 21 [clause 44, inserted section 80B(1)]—Delete subsection (1) and substitute:

(1) If—

(a) a member of a council is subject to a relevant interim intervention order where the person protected by the order is another member of the council, the council may suspend the member from the office of member of the council if the council considers it appropriate to do so; or

(b) a member of a council is subject to a relevant interim intervention order where the person protected by the order is an employee of the council, the chief executive officer of the council may suspend the member from the office of member of the council if the chief executive officer considers it appropriate to do so.

Amendment No 37 [DepPrem–1]—

Page 32, after line 23 [clause 44, inserted section 80B]—After subsection (2) insert:

(2a) A council—

(a) must revoke a suspension under subsection (1)(a) if the relevant interim intervention order is revoked; and

(b) may revoke a suspension under subsection (1)(a) if the council considers it appropriate to do so.

Amendment No 38 [DepPrem–1]—

Page 32, line 25 [clause 44, inserted section 80B(3)(a)]—Delete 'subsection (1)' and substitute:

'subsection (1)(b)'

Amendment No 39 [DepPrem–1]—

Page 32, line 27 [clause 44, inserted section 80B(3)(b)]—Delete 'subsection (1)' and substitute:

'subsection (1)(b)'

Amendment No 40 [DepPrem–1]—

Page 32, line 34 [clause 44, inserted section 80B(5)]—After 'section 76' insert:

, or reimbursement of expenses, or any other facility, service or form of support, that the member would otherwise be entitled to under this Act,

Amendment No 41 [DepPrem–1]—

Page 33, lines 2 and 3 [clause 44, inserted section 80B(8)]—Delete 'chief executive officer of the council may' and substitute:

'council must'

Amendment No 42 [DepPrem–1]—

Page 33, after line 9 [clause 44, inserted section 80B(10)]—Insert:

employee of a council includes—

(a) a consultant engaged by the council; and

(b) a person working for the council on a temporary basis;

There needs to be some explanation of these amendments, but I think when I read it out it will be clear that it is reasonable to receive this en bloc.

Amendment No. 36 commences with responding to a concern of the chief executive officers to suspend a council member where the council is subject to a relevant interim intervention order. In response to these concerns, the amendment proposes that the principal member will implement the suspension where the protected person is another council member. However, the CEO will be the relevant decision-maker where the protected person is an employee. This reflects the obligation and role of the CEOs to protect the health and safety of the council employees.

Amendment No. 37 clarifies that the councils must revoke the suspension of a member if the relevant interim intervention order has been revoked and may do so if considered appropriate—for example, if the member and the protected person cease to work in any proximity to each other. Amendments Nos 38 and 39 are purely technical. Amendment No. 40 is to clarify that a council member cannot receive reimbursement of expenses while suspended.

Finally, the substitution of 'council must' do certain things instead of the 'chief executive officer may' in amendment No. 41 relates to the proposal in the bill that an application may be made to SACAT where a member has been suspended for a prescribed period for the disqualification of that member. The intention of this clause is to ensure that councils do not have longstanding vacancies on their council.

However, concerns were raised that it was not appropriate for a council's chief executive to take this action, so this amendment changes the decision-maker on the matter from the CEO to the council. The amendment also makes the application to SACAT non-discretionary if the suspension continues for more than the prescribed period. So it is a separation of roles. CEOs are responsible for the staff. The councils themselves have to deal with the elected members. I think that puts it on a correct footing.

Ms STINSON: I am particularly commenting in relation to amendment No. 36. My understanding of this is that, from what was there previously, this essentially splits it into two prongs, where you have a member on member issue or a member on staff issue.

I have received quite a bit of feedback from CEOs in relation to this, both in its previous form and in its amended form as the Attorney has put. While the feedback I have had is that this is an

improvement, concerns have still been expressed to me about the position that it puts a chief executive officer in—and I am talking about paragraph (b) here—where, in the case of a dispute between an elected member and a staff member, the CEO is still in a position where they may suspend the member from the office of a member of the council if the chief executive officer considers it appropriate to do so.

The concerns that have been expressed to me by CEOs is that they do not want that level of discretion. So my question is: has the Attorney considered any other wording—for example, rather than saying 'may suspend', saying 'must suspend' so that the CEO is not in a position where they have to apply their discretion? They are simply carrying out what the legislation tells them they must do as opposed to what they may do.

The Hon. V.A. CHAPMAN: I have not specifically asked to do that, but I would not do it. I think it is very clear. What we are talking about here is in the event of an interim intervention order to be made, so the police are already involved. A threshold has to be achieved to be able to deal with this matter and, again, to put a mandatory imposition on this is not appropriate. Chief executive officers quite rightly need to be relieved of the responsibility of dealing with elected members, but they have an obligation as part of their duty to deal with the safety and protection of their own staff.

Again, if I were to use the Clerk of the House as an example, he or she has the responsibility as an employed person of the parliament to undertake certain duties, but the conduct of members of parliament and how that is dealt with is a matter for this house, not the chief executive, not the Clerk. I do not suggest it does. I think you are misreading it.

Ms STINSON: I just want to clarify that I have the right understanding of this section. Paragraph (b) provides:

> (b) a member of a council is subject to a relevant interim intervention order where the person protected by the order is an employee of the council—

so we are talking about an elected member versus an employee—

> the chief executive officer of the council may suspend the member—

so that is saying that the chief executive themselves has to make an order or can choose to make an order to suspend the member. There you have the chief executive handing out discipline to the person who essentially decides whether he is hired or not. To me, that flies in the face of what the Attorney was just saying, which are excellent points.

The Hon. V.A. CHAPMAN: What we are talking about here is a situation where an intervention order is already in place. The chief executive has responsibility to deal with the safety of their staff, so there has already been a threshold met. Someone is to cease or desist from being in a certain place, communicating with another party, being in the presence of another party or whatever the terms and conditions of the interim order are. In those circumstances, where the police have already made that assessment, there has been a judgement externally. Really, what is here is to enable that chief executive officer, if they need to, to impose that on the member. It is not designed—

Ms Stinson: But why is that not mandatory?

The Hon. V.A. CHAPMAN: No, it does not need to be mandatory. The chief executive—

Ms Stinson: Why not?

The Hon. V.A. CHAPMAN: Well, because the chief executive may decide that it is not appropriate. It may be that they are not in the same precinct. It may not be necessary. The appropriate circumstance, it would seem to me, in those situations would be, if it is necessary, to go back and deal with the interim intervention order process, whether that be expanded or dealt with.

On the one hand, CEOs do not want to be involved in assessing and dealing with the elected members' management. There are courts to deal with that, there is a process to deal with that, there is a council to deal with that. By the same token, they do need to have some capacity to act if it is necessary to protect their own staff. That is what is acknowledged here.

Ms STINSON: Can I just seek clarification from the Chair? Are we looking at amendment No. 41 in this group as well, or are we just going to amendment No. 40 at this stage?

The CHAIR: No, we are dealing with amendments Nos 36 through to 42.

Ms STINSON: Thank you, sir. I have one question in relation to amendment No. 42. This is the one that defines an employee as:

(a) a consultant engaged by the council; and

(b) a person working for the council on a temporary basis;

Does a consultant include any sort of subcontractor or anyone the council may hire to perform a duty? If that is not the case, can the Attorney give some indication of what 'consultant' refers to?

The Hon. V.A. CHAPMAN: The current act, the Local Government Act 1999, makes provision in the interpretation clause that an employee is defined as 'employee of a council includes a person working for the council on a temporary basis'. There is no mention of consultants. For the purpose of this exercise, we are specifically adding in consultants. They are not subcontractors; they are consultants.

Ms STINSON: So all those other classes are already catered for elsewhere in the bill?

The Hon. V.A. CHAPMAN: That is the definition I just read out.

Amendments carried; clause as amended passed.

Clause 45.

Ms STINSON: I am simply asking for an explanation as to why this measure is being deleted. It seems like a perfectly decent measure for transparency. I wonder why it is either not needed or not desired anymore.

The Hon. V.A. CHAPMAN: The 'facsimile transmission', you might appreciate, is going because, of course, we dealt with those in the 1980s. As to the second one, in relation to all of those, that material is on the website, so we do not need to have that clause anymore.

Clause passed.

Clause 46.

Ms STINSON: What I have in front of me is regarding the publication of notices of meetings being retained by the chief executive, the chief executive having to provide notice under certain sections. It looks to me like it is the right thing.

The Hon. V.A. CHAPMAN: They are not quite the same question, but in relation to that question I will indicate that, as you will see, the provision there is to have all that on the website.

Clause passed.

Clauses 47 to 50 passed.

Clause 51.

The Hon. V.A. CHAPMAN: I move:

Amendment No 43 [DepPrem–1]—

Page 35, lines 9 and 10 [clause 51(1)]—Delete subclause (1)

This is a technical amendment that better reflects the intention of proposed section 90A regarding council information sessions and briefings.

Amendment carried; clause as amended passed.

Clause 52.

The Hon. V.A. CHAPMAN: I move:

Amendment No 44 [DepPrem–1]—

Page 35, line 21 [clause 52, inserted section 90A(1)]—Delete '1 or more members' and substitute:

'more than 1 member'

Amendment No 45 [DepPrem–1]—

Page 35, line 22 [clause 52, inserted section 90A(1)]—Delete 'are' and substitute 'is'

These amendments respond to the concerns that meetings between the chief executive officer and a council member, particularly a principal member, would need to be managed as if they were informational briefing sessions under proposed section 90A. The amendment has clarified that information sessions and briefings are meetings to which more than one member has been invited.

Amendments carried; clause as amended passed.

Clause 53.

Ms STINSON: This is a similar question to my earlier question, which is around the removal of printed copies of council committee meetings. Will there be any provision at all for people who maybe do not have internet access and cannot visit websites to be able to go into their council and request a copy of printed materials? This is an issue that is peppered throughout the bill, so I ask the question quite generally. In the places where you are removing the requirement for printed copies of council documents, what provision is being made for people who do not have the internet or the ability to print things themselves?

The Hon. V.A. CHAPMAN: Yes, they can.

Ms STINSON: Is there a fee associated with that?

The Hon. V.A. CHAPMAN: Councils must make those available. That is an obligation on them.

Clause passed.

Clauses 54 to 56 passed.

Clause 57.

The Hon. V.A. CHAPMAN: I move:

Amendment No 46 [DepPrem–1]—

Page 37, before line 9—Insert:

(a1) Section 97(1)(a)(i)—delete 'been guilty of' and substitute 'committed'

Amendment No 47 [DepPrem–1]—

Page 37, line 11 [clause 57(1), inserted subsection (3a)]—After '(a)' insert:

(i),

Amendment No 48 [DepPrem–1]—

Page 37, lines 15 to 21 [clause 57(2), inserted subsection (6), definition of qualified independent person]—Delete the definition of *qualified independent person* and substitute:

qualified independent person means a person who is—

(a) not a member or employee of the council; and

(b) determined by the council to have appropriate qualifications or experience in human resource management.

Amendment 46 commences as a technical amendment, but 47, more particularly, was requested by the LGA to ensure that qualified independent advice is sought before termination on the grounds of misconduct, along with other reasons for termination that councils must request advice for. Amendment 48 is to make reference to the definition of advice from a qualified independent person consistent with the provisions relating to the appointment and performance review of the CEO.

Amendments carried; clause as amended passed.

Clause 58.

The Hon. V.A. CHAPMAN: I move:

Amendment No 49 [DepPrem–1]—

Page 37, line 34 [clause 58(2), inserted subsection (4a)(b)]—Delete 'independent advice' and substitute:

the advice of a qualified independent person

Amendment No 50 [DepPrem–1]—

Page 37, after line 37—Insert:

(3) Section 98—after subsection (6) insert:

(7) In this section—

qualified independent person means a person who is—

(a) not a member or employee of the council; and

(b) determined by the council to have appropriate qualifications or experience in human resource management.

The amendments are to make reference to the definition of advice from a qualified independent person consistent with the sections relating to the termination and performance review of the CEO. It seems to be the same as the last one.

Amendments carried; clause as amended passed.

Clause 59 passed.

Clause 60.

The Hon. V.A. CHAPMAN: I move:

Amendment No 51 [DepPrem–1]—

Page 39, line 4 [clause 60, inserted section 99A(8)]—Delete 'the President of'

Amendment No 52 [DepPrem–1]—

Page 39, after line 5 [clause 60, inserted section 99A]—After subsection (8) insert:

(8a) The LGA may recover the reasonable costs incurred by the Remuneration Tribunal in making a determination under this section as a debt from the councils to which the determination relates.

The first amendment has been included at the request of the LGA to clarify that the arrangements for costs are made with the LGA as an organisation. More comprehensively, amendment No. 52 allows the LGA to recover costs from councils as a debt to cover the reasonable costs of the Remuneration Tribunal in making its determination. It responds to concerns raised by the LGA that it be unable to include a contribution from council that is not a member of the association but still benefits from the tribunal's work. This is a new initiative as to the minister's role, and determining the reasonable costs will be an important one.

I am advised that, based on interstate experiences, the costs of making the first determination will be slightly higher than the ensuing reviews. On the best advice I have, this may range from an amount in the order of between $100,000 and $200,000 for the first determination and similar to that of the elected members, which I have already indicated is up to $40,000 for reviews. However, the implementation of this initiative will be a matter that will be consulted on with the Remuneration Tribunal and the LGA.

Ms STINSON: I just seek some clarification. The Attorney, as I understand it, just said that the first determination would be $100,000 to $200,000 but that the ensuing amounts will be different. Do you have an idea of what the ensuing amounts will be or how much they will differ from the original amount from the first determination?

The Hon. V.A. CHAPMAN: I do not know that and, as I have said several times during this committee discourse, I do not have that information. The best I could do is provide to the committee what an estimate is in Western Australia. That is what that relies on. I am advised that that may be the order of what would be the initial cost, and that after that we do not know. That is a matter, really, for the LGA to discuss with the Remuneration Tribunal, but again I reiterate that this aspect of the reform is a matter that has been raised by councils. They want this relief, they want the determination by the tribunal, they are paying for it and they are signed up to it.

Ms STINSON: Can the Attorney provide some information about how frequently these tribunal decisions will be handed down in relation to CEOs? I understood from one of the Attorney's earlier answers that it is once every three years for elected members—

The Hon. V.A. Chapman: Four years.

Ms STINSON: Four years, I'm sorry. Will it be a similar schedule or even done at the same time as members? Will it also be en bloc, that is, some sort of determination made maybe with individual gradings for different sizes of councils, for all CEOs, or will councils or regions approach the tribunal for separate decisions around their CEOs?

The Hon. V.A. CHAPMAN: As I understand it, the usual practice—and I assume this comes from Western Australia—is that they set the original assessments, and this will be taking all those idiosyncrasies into account. They will set the bands of entitlement, and then councils can seek their advice in relation to whether someone is moving in or out of those bandwidths. Presumably, if they get a new person in and they change the duties, there might be some reassessment that needs to be looked at, but that will be a matter for them. That is my understanding.

That is something that the tribunal in some way or other will refresh each year. I suppose it is a bit like saying they do for MPs, but I do not know. I have never had to appear before the Remuneration Tribunal, so I cannot answer that.

Ms Stinson: How frequently?

The Hon. V.A. CHAPMAN: I do not know.

Ms Stinson: They are yet to determine that.

The Hon. V.A. CHAPMAN: I am just saying, once the bandwidths are set and then they are reviewing it annually, it is really for the council to say, 'Where is our CEO or proposed CEO going to fit?' and to be able to get guidance as to what they should be paid and what entitlements they should have.

Amendments carried; clause as amended passed.

Clauses 61 and 62 passed.

New clause 62A.

The Hon. V.A. CHAPMAN: I move:

Amendment No 53 [DepPrem–1]—

Page 39, after line 28—Insert:

62A—Amendment of section 107—General principles of human resource management

Section 107(2)—after paragraph (f) insert:

(fa) that employees are protected from sexual harassment by members of the council or other employees and that appropriate processes exist for dealing with complaints of employees relating to sexual harassment; and

Section 107 sets out the general principles of human resource management and provides that a council CEO must ensure that sound principles of human resource management are applied to employment in the administration of the council and must take reasonable steps to ensure that those principles are known to all employees.

New clause 62A proposes an amendment to this section to include a requirement for CEOs to ensure that employees are protected from sexual harassment by members of the council or other employees and that appropriate processes exist for dealing with complaints of employees relating to sexual harassment. This simply clarifies the existing responsibilities for council CEOs to ensure that workplaces are safe from sexual harassment for all council employees. No council employee should have to tolerate sexual harassment and all council employees should have easy recourse to appropriate avenues to address any instances that may occur.

Ms LUETHEN: I wish to make a statement in support of this amendment, which I have been working on with the Attorney-General after receiving quite a bit of feedback from council staff

members and ratepayers in my electorate. I agree wholeheartedly with the statement by the Attorney-General that no council employee should have to tolerate sexual harassment and all council employees should have easy recourse to appropriate avenues to address any instances that may occur.

This is essentially because safe workplaces are productive workplaces, which benefits ratepayers and the employees. This amendment makes it abundantly clear that sexual harassment will not be tolerated and will not provide a safe workplace. I thank the Attorney-General for her collaboration to insert this important amendment. I also thank the previous minister, the member for Schubert, for his help to take necessary steps to make these changes to the Local Government Act and the Equal Opportunity Act, which will make councils a safer workplace for all employees.

New clause inserted.

Clauses 63 to 68 passed.

Clause 69.

The Hon. V.A. CHAPMAN: I move:

Amendment No 54 [DepPrem–1]—

Page 40, line 18 [clause 69, inserted subsection (1)(a)]—After 'section 90' insert:

or 91(7)

Amendment No 55 [DepPrem–1]—

Page 40, line 23 [clause 69, inserted subsection (1), penalty provision]—Delete the penalty provision

This is a technical amendment. It clarifies that council employees should treat both documents and discussion that relate to matters discussed in confidence at a council meeting confidentially. I will call this the 'documents and discussion' explanation because it relates to a number of other amendments, and I will be referring to that hereinafter.

Amendments carried; clause as amended passed.

Clauses 70 and 71 passed.

Clause 72.

The Hon. V.A. CHAPMAN: I move:

Amendment No 56 [DepPrem–1]—

Page 40, lines 32 and 33—Delete all of the contents of lines 32 and 33 and substitute:

Section 117, penalty provision—delete the penalty provision

This is a documents and discussion amendment.

Amendment carried; clause as amended passed.

Clause 73.

The Hon. V.A. CHAPMAN: I move:

Amendment No 57 [DepPrem–1]—

Page 40, lines 35 and 36—Delete all of the contents of lines 35 and 36 and substitute:

Section 119(1), penalty provision—delete the penalty provision

I indicate that, following feedback from the Independent Commissioner Against Corruption, it is proposed to remove the penalty provisions that apply to council employee conduct. These matters will be dealt with as integrity provisions which, if breached, can result in the suspension or dismissal of a council employee. Conduct breaches that are serious enough to warrant a criminal penalty will be dealt with under the Criminal Law Consolidation Act 1935, as they are currently. That removes the penalty provision.

Can I indicate to the committee that, on amendment No. 56, I suggested that was a documents and discussion matter, but in fact it is a deletion of a penalty provision for the same reasons I have just outlined for this amendment.

Amendment carried; clause as amended passed.

Clauses 74 and 75 passed.

Clause 76.

The Hon. V.A. CHAPMAN: I move:

Amendment No 58 [DepPrem–1]—

Page 42, lines 18 and 19 [clause 76(1)]—Delete subclause (1) and substitute:

(1) Section 120(1), penalty provision—delete the penalty provision

Amendment No 59 [DepPrem–1]—

Page 42, lines 20 and 21 [clause 76(2)]—Delete subclause (2) and substitute:

(2) Section 120(2), penalty provision—delete the penalty provision

Amendment No 60 [DepPrem–1]—

Page 42, lines 22 and 23 [clause 76(3)]—Delete subclause (3) and substitute:

(3) Section 120(4), penalty provision—delete the penalty provision

These delete the penalty provisions for the reasons I have already explained in the previous two amendments.

Amendments carried; clause as amended passed.

Clause 77.

The Hon. V.A. CHAPMAN: I move:

Amendment No 61 [DepPrem–1]—

Page 43, lines 13 to 15 [clause 77, inserted section 120A(3)]—Delete subsection (3)

Amendment No 62 [DepPrem–1]—

Page 43, lines 18 to 24 [clause 77, inserted section 120A(5)]—Delete subsection (5)

Firstly, this amendment was requested by the Ombudsman and the former ICAC commissioner. As I have previously indicated, Mr Lander has provided advice on this matter. It makes a clearer distinction between the lower level of behavioural standards and provisions that relate to employees' integrity. Of course, councils can continue to take appropriate action if employees breach the behavioural standards that councils have determined should apply to their employees.

Further, with regard to amendment No. 62, this subsection is proposed to be removed following feedback from the LGA and ICAC on the difficulties involved in 68 councils consulting on proposed employee behavioural standards. That will not be necessary and is proposed to be deleted.

Amendments carried; clause as amended passed.

The Hon. V.A. Chapman interjecting:

Ms STINSON: I did, Attorney, but I think you have adequately addressed it, so that will be fine. If I have any further questions before the house, I might send them to your office, if that is okay.

Clause 78.

The Hon. V.A. CHAPMAN: I move:

Amendment No 1 [DepPrem–3]—

Page 44, after line 2—Insert:

(1a) Section 122—after subsection (1b) insert:

(1c) A council must, once in every prescribed period (which must be not less than a period of 3 years), in accordance with a determination of the designated authority, provide information relating to its long-term financial plan and infrastructure and asset management plan to the designated authority in accordance with subsection (1e).

(1d) For the purposes of subsection (1c), the designated authority may determine a schedule relating to each prescribed period that requires different councils to provide information in different financial years of that period (and the financial year in which a particular council is required to provide information according to the schedule is the *relevant financial year* for that council).

(1e) A council must, on or before 31 September in the relevant financial year for the council, provide to the designated authority all relevant information on the following matters (the *relevant matters*) in accordance with guidelines determined by the designated authority (if any):

(a) material amendments made or proposed to be made to the council's long-term financial plan and infrastructure and asset management plan and the council's reasons for those amendments;

(b) revenue sources outlined in the funding plan referred to in subsection (1a)(a);

(c) any other matter prescribed by the regulations.

(1f) Following the provision of information by a council under subsection (1e), the designated authority, on or before 28 February in the relevant financial year for the council—

(a) must provide advice to the council on the appropriateness of the relevant matters in the context of the council's long-term financial plan and infrastructure and asset management plan; and

(b) may, if the designated authority considers it appropriate having regard to the circumstances of a particular council, provide advice in relation to any other aspect of the council's long-term financial plan and infrastructure and asset management plan.

(1g) In providing advice under this section, the designated authority—

(a) must have regard to the following objectives:

(i) the objective of councils maintaining and implementing long-term financial plans and infrastructure and asset management plans;

(ii) the objective of ensuring that the financial contributions proposed to be made by ratepayers under the council's long-term financial plan and infrastructure and asset management plan are appropriate and any material amendments made or proposed to be made to these plans by the council are appropriate; and

(b) may have regard to any information or matter the designated authority considers relevant (whether or not such information or matter falls within the ambit of subsection (1e)).

(1h) A council must ensure that the advice provided by the designated authority under this section, and any response of the council to that advice, is published in its annual business plan (both the draft and adopted annual business plan) in the relevant financial year and each subsequent financial year (until the next relevant financial year for that council).

(1i) For the purposes of the preceding provisions, the designated authority must publish the following:

(a) advice provided to a council under this section;

(b) the schedule determined under subsection (1d);

(c) any guidelines determined under subsection (1e).

(1j) The designated authority may, by written notice, require a council to give the designated authority, within a time and in a manner stated in the notice (which

must be reasonable), information in the council's possession that the designated authority reasonably requires for the performance of the designated authority's functions under this section.

(1k) The designated authority may recover from a council (as a debt due from the council) the costs reasonably incurred by the designated authority in performing its functions under this section in relation to the council.

Amendment No 2 [DepPrem–3]—

Page 44, after line 17—Insert:

(7) Section 122—after subsection (8) insert:

(9) In this section—

designated authority means—

(a) if a person or body is prescribed by the regulations for the purposes of this definition—that person or body; or

(b) if a person or body is not prescribed under paragraph (a)—the Essential Services Commission established under the *Essential Services Commission Act 2002*.

(10) The Minister must consult with the LGA before regulations are made prescribing a person or body as the designated authority.

Amendments carried; clause as amended passed.

Clause 79.

The Hon. V.A. CHAPMAN: I move:

Amendment No 3 [DepPrem–3]—

Page 44, lines 19 to 37 [clause 79(1)]—Delete subclause (1)

Amendment No 4 [DepPrem–3]—

Page 45, lines 1 to 42 [clause 79(3)]—Delete subclause (3)

Amendment No 5 [DepPrem–3]—

Page 46, lines 24 to 38 [clause 79(10)]—Delete subclause (10)

These amendments make significant changes to the rate monitoring scheme included within the bill, following extensive discussion with the LGA in summary. These changes require council to receive advice from a designated authority on their proposed revenue every three years rather than every year, refocus this advice from council's annual business plans to the revenue decisions that they make within the context of the council's 10-year financial plan, remove the minister's ability to direct the designated authority to consider particular matters, remove the minister's ability to direct councils on the basis of a report from the designated authority and clarify that the designated authority is the Essential Services Commission of South Australia unless another body is prescribed.

I also note that most of these amendments are the same as the amendments that were filed on 24 September. The only further amendment is to remove the ability of the designated authority to require councils to provide information as it determines. This has been removed at the request of the sector. I also note that the bill states that the designated authority may recover the cost of providing advice from a relevant council. While these costs will of course depend in large part on what may be passed by this parliament, I am advised that it is likely to be in the order of $20,000 per council. This is a small cost to provide councils and their communities with independent advice and greater confidence in their critical rating decisions.

The public will know their position; the ratepayers will have a very clear indication of that. They will have a tick of approval, or a qualified recommendation or strong opposition to the proposals of the council, and the council will have to deal with their ratepayers accordingly.

Ms STINSON: Although this is spread over quite a few different pieces of paper, it seems apparent that the sum total of all these amendments is effectively that what was proposed by Minister Knoll is essentially being abandoned now by the Attorney-General.

It seems to me that the situation is that we have gone from a piece of legislation last year before the house, which was rate capping, to a piece of legislation that has come forward from former Minister Knoll which is rate monitoring and which had a stick, I suppose, of the minister being able to direct councils after an ESCOSA review of their intended rate rises and financial situation.

Now what we seem to have in this collection of amendments is a complete backdown from that, and essentially the government has abandoned its own bill. This is, of course, a government that went to the last election promising rate capping, but this section has absolutely nothing to do with rate capping.

The Hon. V.A. Chapman interjecting:

The ACTING CHAIR (Mr Cowdrey): Order!

Ms STINSON: There is entirely nothing here at all that has anything to do with rate capping whatsoever. It is curious as well that these amendments—

The ACTING CHAIR (Mr Cowdrey): There is a point of order.

The Hon. V.A. CHAPMAN: I am happy to have a general discussion on this because the member can do that, but what she cannot do is to reflect on a vote of the house. This parliament has dealt with an issue in relation to rate capping. It has been resolved, it has been rejected and now she is going on to discuss the detail relating to a bill, which is not even before us in committee. We are now on to rate monitoring, so she has some—

Ms STINSON: I am more than happy to talk about that because what this represents is the government abandoning the position that it had in front of this parliament only three weeks ago. Three weeks ago you had a system where you were proposing that every year councils had to put forward what their intentions were with rates and what they were going to do with their annual business plans. Now you have a situation where they are only doing that once every three years.

There is advice given back from ESCOSA to the councils, and then there is absolutely no consequence if councils decide to adopt what ESCOSA recommends or not. The provisions that relate to those ministerial powers were in existence only a few weeks ago before this house. Now, through these amendments completely removing them, there are no ministerial intervention powers whatsoever to direct councils on rates and hence there is no rate capping.

This is quite an extraordinary situation, really. This was one of the big things that this government said it was going to do, yet it comes in with a series of quite complicated amendments and does not seem to point out to anyone what they actually do, which I can understand. I can understand that the Attorney would be quite ashamed of completely reversing the position—

The ACTING CHAIR (Mr Cowdrey): Member for Badcoe, did you have a question?

Ms STINSON: I am continuing to address this, sir. I believe that I have unlimited time. Is that not the case?

The ACTING CHAIR (Mr Cowdrey): As long as you are relevant and asking questions.

Ms STINSON: Well, I am. I am talking about the amendment that is before us now.

The ACTING CHAIR (Mr Cowdrey): Continue.

Ms STINSON: Thank you. So what we have here is a situation where the government has said one thing—that it is going to be introducing rate capping—but then put forward a bill on monitoring. Now, three weeks ago, it has tabled these amendments without whispering a word of it to anyone, yet there are more amendments today on exactly the same clause. Rate capping is effectively dead, and the government has to face up to the fact that it has just killed it. It has just killed its own commitment to rate capping in its own amendments.

The ACTING CHAIR (Mr Cowdrey): There is a point of order.

The Hon. V.A. CHAPMAN: The issue is that the rate capping bill is not before us. That was dealt with by this parliament months ago, and the member keeps going back to talk about rate capping being dead. That is a reflection on the vote.

Ms Stinson interjecting:

The ACTING CHAIR (Mr Cowdrey): Member for Badcoe, the Attorney is raising a point of order. She has the right to be heard in silence while she is raising that point of order.

The Hon. V.A. CHAPMAN: Thank you, sir. I ask her to desist in relation to reflecting on the vote in relation to rate capping and get back to the substance of what we are dealing with here, which is the rate monitoring amendments.

Ms STINSON: Actually, I would like to raise a point on that point of order. I simply do not accept that, by simply using the term 'rate capping', that is referring to a bill that has previously been before the house. The term 'rate capping' is used not only generally in the community but also specifically by this government to talk about a range of policies. I just cannot see how the Attorney's point is relevant in any way whatsoever.

The ACTING CHAIR (Mr Cowdrey): I believe that the member can refer generally to rate capping as a policy. In regard to a vote of the house, that did happen in the last session of parliament, therefore it is not relevant to a point of order in that regard potentially. Minister, did you want to raise a point of order?

The Hon. J.A.W. GARDNER: I respect the ruling you have just made, but I do respectfully request that the standing order in relation to relevance be identified. The contribution on the amendment must be directly relevant to the amendment at hand.

The ACTING CHAIR (Mr Cowdrey): I was getting there. The member should refrain from steering away from the contents of the bill at hand. Her remarks need to be directly relevant to the contents of this particular bill rather than necessarily referring to one that has already gone through this house. So if she can direct her remarks—

Ms STINSON: Indeed, sir, my comments are directly relevant. Members may want to—

The ACTING CHAIR (Mr Cowdrey): Member for Badcoe, I am making a ruling. You do not interrupt me while I am doing that. I will give you the call. You can continue.

Ms STINSON: Sir, I am making points in relation to the amendments that are before us right now. Members may want to avail themselves of those amendments because what these do are exactly what I am addressing. What these amendments do is they reverse the position that this government had just three weeks ago. They override the amendments that were brought to this place by minister Knoll, and the effect of them is that this government is abandoning its own bill in relation to rate capping.

In addition to that, what we are seeing in these amendments and others is that this will not actually deliver a lower cost of living for ratepayers. Not only is the stick, if you like, of ministerial intervention over rates being removed but we also have a number of other costs that are going to councils and are then going to be passed on to ratepayers. This idea that this rate monitoring scheme, or rates advice scheme as it seems to be now, is going to deliver any sort of lower costs for ratepayers is absolutely and entirely farcical. If anything, we will see higher costs because we are seeing hundreds of thousands if not millions of dollars being shifted onto councils for the measures that are in this bill.

As legitimate as some of those improvements may be, at the end of the day, the councils are not just going to magic the money from somewhere, they pass it on to ratepayers and ratepayers end up paying it. So what started as a promise of rate capping then putting downward pressure on rates has actually ended up with additional costs in this bill and there is no downward pressure whatsoever on rates.

Certainly, any rate reductions that we see this year will be a lot more to do with the fact that councils right across the state have decided to freeze their rates in reaction to COVID than it will be anything to do with what this government has outlined and certainly it will be nothing to do with these amendments which, as I said, show that the government is simply abandoning its own bill. So my question to the Attorney is this: why on earth are you abandoning your own bill?

The ACTING CHAIR (Mr Cowdrey): Member for Badcoe, you can refer to rate capping as a policy, not as a bill.

The Hon. V.A. CHAPMAN: I think that I have probably given the longest explanation in relation to this clause and listed all the proposed changes. So, far from walking away from that, we have made it very clear that having had discussions with the LGA we have identified not just having a designated authority in this process but that we are going to specifically identify that as ESCOSA. We are getting on with the job.

One of the issues the councils have raised with us was to say, 'We have 68 councils. How can we get all this done in the first year?' We have agreed to stagger that and do that every three years, as I have indicated. I will just remind the member that perhaps she should read the new proposed section 122 which sets out the regime. Subsections (1h) and (1i) make it very clear that the council has to provide all of this information publicly. It has to be in its annual business plan, not every three years—and they are draft and adopted plans—and it must publish the advice given to the council under this section, the schedule determined under subsection (1d) and any guidelines determined under subsection (1e).

Let me make this very clear: what is necessary here is transparency. The government insist on it and the LGA agree that it is to be done and they will employ ESCOSA to do it. It will be on this third arrangement, so that we can get that moving in an orderly fashion, and it will be paid for by the councils. Here is the penalty to them and here is the prize: the advantage of this to the councils, which I was able to point out and I think this is a significant factor here, is that councils get a tick of endorsement. It is like a product having a Heart Foundation tick. It is a positive endorsement of what they are proposing for their ratepayers in their plan and they have to publish it. They get that benefit.

Anyone who wants to complain about it being out of kilter with CPI or anything else can point to this as a tick of endorsement from ESCOSA. They have to publish it, even if it is a bad report and it says, 'This is an extravagant front-end loading of capital programs that is an unacceptable impost on ratepayers.' That has to go online as well, so they have to take the good with the bad. This is the benefit here of having an independent assessor. As I have said to them, I do not need to direct them to do anything.

Actually, the prize or punishment, having settled on ESCOSA—and we have had that discussion—is going to be in the results they get from ESCOSA and the publication of the good or the bad. It will be a helpful tool in relation to their education to their own electorate or their own ratepayer base if it gets that tick of endorsement. They are going to have a lot of explaining to do if they do not, and that produces a transparency like we have never seen before in relation to local government.

I think it will aid and support them to be able to have responsible management of their funds, careful planning and a level of accountability to their rate base that we have not seen before. Having said all that, I have been very impressed with the overwhelming number of councils during COVID who have, of their own initiative, either frozen, held back or minimised any rate increase and, in addition to that, have offered a whole lot of other benefits to their ratepayers.

In a meeting I had with the Premier, the head of the LGA, Mr Telfer, and multiple councils online, a number of the councils outlined initiatives they had introduced to help their own people. Fantastic ideas came through on that and I utterly commend them for that. I think the parliament should have confidence that councils can do the right thing when they need to. They can pull in the belt when it is necessary, they can provide necessary support for their ratepayers when the call comes and they can take it on the chin if an independent assessor says, 'This is not good enough.'

That is the discipline introduced into this process under the monitoring scheme, which I am very proud to say that the LGA, on behalf of councils, have agreed to. They recognise that some of their members are going to be embarrassed if they do get an adverse response from ESCOSA, bearing in mind that there are all the auditing processes that are going on, of course, which are initiatives in this reform as well.

Far from accepting the member's critique of the abandonment of rate capping, which is not even before us, we have been through this in detail. We have settled on ESCOSA and the terms of that and the terms of publication are here. There are new regimes that go with this and I have made

it very clear that there are a number of ways in which a minister for local government can bring councils to account. I do not ever want to have to do that.

I want them to have this discipline. I want them to have this obligation. I want them to have the protection and support in selling their messages to ratepayers if they present a sensible proposal, and I want them to be exposed to the risk of outcry from their own base if they do not do that. They will be accountable, and there will be no more concealment of this. It will be on show for all to see.

Ms STINSON: The minister is certainly accurate in the remarks she made at the beginning of that statement that this will force councils to provide volumes and volumes of information. That is essentially red tape. It is cost. Someone has to put all that material together and provide it to ESCOSA. That would be fine, of course, if the end result of that was downward pressure on rates, if there was some sort of rate-capping scheme, if there was a stick in the form of an incentive for them to reduce their rates, otherwise the minister would have the power to intervene and direct them on their rates.

That would be fine. They would be putting in all that effort and there would be a demonstrable outcome for ratepayers. Instead, what we have here is a whole lot of work that these councils have to do, a whole lot of work that ESCOSA has to do, a whole lot of expense—hundreds of thousands of dollars—for each of these assessments to be done for 68 councils, which councils themselves will then pass on to ratepayers. What is the end result of it?

The Hon. V.A. Chapman: Transparency.

Ms STINSON: The Attorney says 'transparency'. In the briefings in relation to this, when I saw that the ministerial direction had been removed, I asked that question: what is the stick? What is the thing that actually makes the councils reduce their rates? What is the thing that puts downward pressure on rates? Do you know what the response was? The response was, 'People can go to an election and they can vote these people out if they don't like the fact that they increased the rates even though ESCOSA may have told them not to.' Well, news flash! That is the system we already have: if people do not like the rate rises that their council put forward at the local government elections, they get to vote out those councillors.

These measures do not really achieve anything except additional cost and additional burden on councils. With the removal of the stick, of ministerial direction, of the minister being able to intervene and say, 'No, council, you've done the wrong thing. ESCOSA has found that your rates are too high. They are unjustifiable. I'm going to step in and direct you what to do,' the council can just put two fingers up and say, 'We don't care what you say, ESCOSA.'

Of course, through this system the once every three year determination of ESCOSA may not in fact have anything to do with rates. It may be the general financial position of the council, what sort of debt they have or what their major infrastructure projects are over the next 10 years in their financial plan. That information will be disclosed each year in the materials that councils use to consult with their communities about their rate rises—absolutely.

I cannot speak for all 68 councils, but well prior to when I was a member of parliament I was involved personally with some of these budget review processes that councils have run, including the City of Charles Sturt and the City of Unley. I can tell you that they do provide quite a lot of information about their financial predicament, about what they want to invest in, about the debt they are carrying and a raft of other indicators that are already available to people. So how these measures provide any more information to your day-to-day ratepayer, who may go along to one of these consultation processes once a year with their local council—and so they should get involved with what is happening in their local council—and how this assists is a complete and utter mystery.

At the end of the day, what is being put forward here is a whole lot of work, a whole lot of expense and no downward pressure on rates. The most puzzling thing about this, of course, is that this bill was put before the house in June. Labor went off and consulted very thoroughly, and I thank my colleague the member for Light, who did some absolutely comprehensive work on our side to go through these hundreds of amendments one by one with stakeholders to see if we could find a way to support this.

You know what? We reached a position in the Labor team, in our shadow cabinet, in our caucus, that we were willing to give support to this bill, to give support to the rate monitoring scheme that was outlined in the previous legislation which is now being altered, with amendments. Of course, those amendments are redundant now, considering that the government has abandoned its own position on implementing this rate monitoring scheme and is removing the ministerial powers that gave any sort of force to this scheme.

So, yes, the Attorney is right, in that this will absolutely provide a lot of additional information that councils will provide to ESCOSA, that councils will then in turn put in materials they consult with their communities on, but that does not get us much further than we had before and still leaves us in a situation that, if ratepayers do not like it, they go to the ballot box, which is the situation as it has ever been. My question to the Attorney again is: why have you removed the ministerial direction powers and why have you backed down on your own bill?

The Hon. V.A. CHAPMAN: I reject most of the assumptions that are there. I appreciate that the member is a bit cranky because she does not get amendments up or something. What I am hearing is that she wanted to have these changes, but now she is complaining about them or suggesting that they are not acceptable or whatever. The fact is that we have had further discussions. We have settled on ESCOSA. We have settled on a number of the other things that must be disclosed on an annual basis in multiple documents.

What I utterly reject is the assertion by the member that a whole lot of extra red tape has to be prepared for or by councils to facilitate this. What I have said is that they do have to provide that information but this is information as set out in subsection (1e), which is the material amendments made, or proposed to be made, to the council's long-term financial plan and infrastructure and asset management plan, if there are any, and the revenue sources outlined in the funding plan (they have that information already) and any other matter prescribed by regulation.

I do not see a level of red tape there. I see a disclosure to the independent body that is capable of making the assessment of whether what is being presented to the ratepayers of that district is reasonable or not. It puts it in the hands of a qualified person to make that assessment. How do you or I or anyone else in this parliament who is not qualified to be able to make that assessment have access to all that information? We are demanding in this arrangement for that information to be produced to ESCOSA. Their responses have to be published, good or bad, and they will have to deal with that. That is very important.

As my adviser here has pointed out, how does a ratepayer go along to the planning meeting and put up their hand and say, 'I would like to ask about the $10 million the council has in its bank account. Why aren't we using that for tax relief instead of it being spent on proposed capital works for an upgrade of the library?'

Ms Stinson: People do go along and ask those questions.

The Hon. V.A. CHAPMAN: They do—and what capacity have they got to interrogate the response when it comes back? We have all been to these meetings where they say, 'Well, we've got a major plan of capital development here and we do need to do this. Of course we keep funds available to deal with contingencies.' We have all heard it. How is the poor person who is sitting in the front row asking a legitimate question able to get a clear answer that satisfies them as a ratepayer that they are not being dudded into the development of things or the husbanding of money, or hoarding probably, as distinct from giving relief? They do not—of course they do not. That is why it is important that this legislation passes.

I am pleased that the member is now happy with this proposal in relation to rate monitoring. That is great. She is a bit cranky because she has not moved amendments herself. We have sorted this out with the LGA, we have identified the areas that are needed and I have made it very clear that there are lots of ways I can deal with councils that do not do the right thing.

We have a very prescriptive program here. I do not need extra direction powers. Some other future minister might want them and want to exercise them. I do not need them. This will be a very important process for transparency for the average person who is sitting within a council district who wants to know that competent management is being undertaken in their council and that they are not

being pulled along into an avenue of spending that is unnecessary and ought to be utilising reserves to give them rate relief.

That is something that 99 per cent of people who live in the general community are not qualified to make that assessment—of course they cannot—and they get the gobbledygook that comes out in public meetings in relation to councils. I have been to them myself. I can tell you all the different answers I have had out of financial advisers and chief executives who stand up and go on about how 'we've got to balance this, we've got to take this into account, we're going to do this great thing over here and we're going to provide for this service'.

I have heard all that, and I think I am a reasonably intelligent person. I usually know bulldust when I see it, but the reality is what can you do about it as a ratepayer other than wait for the next election? The answer is in these proposed pieces of legislation. I am proud of them and I ask that the parliament support them.

Ms STINSON: The Attorney just said that she has lots of other ways to get the council to deliver rate relief. What are they?

The Hon. V.A. CHAPMAN: I did not say that was in relation to rate relief. I said in relation to rate monitoring that there be full transparency and disclosure. We are asking the councils to present that material to an independent body to assess it, and they must publish it. They will have to live or die with those answers. That is the instrument of discipline in relation to this process and I commend it to the parliament.

Amendments carried; clause as amended passed.

Clause 80 passed.

Clause 81.

The Hon. V.A. CHAPMAN: I move:

Amendment No 6 [DepPrem–3]—

Page 47, lines 6 to 9 [clause 81, inserted subsection (2)]—Delete subsection (2) and substitute:

(2) The policies, practices and procedures of internal financial control under subsection (1) must be in accordance with a standard or document (such as a model relating to financial controls) adopted by the regulations.

The clause is being amended to respond to the concerns from the sector that the regulation-making power proposed is overly wideranging. The amendment clarifies that the regulation must only prescribe a standard or document that relates to a council's internal financial controls. I also confirm the intent of this regulation-making power is to prescribe the better practice model for internal financial controls and has been produced by the LGA in conjunction with councils and their auditors and is already widely used across their sector.

A number of issues have been raised about this. We have settled on the language here. Obviously, we would like to think that the better practice model for internal management does become universal amongst the membership. We are setting a standard, though, which introduces the audit controls and which now have these amendments.

Amendment carried.

Mr DULUK: I have a question to the Attorney in regard to the regulation-making power under new section 125(2)—Internal control policies. Attorney, can this new regulation-making power be used to make regulations on any of these matters contemplated in the existing section 125(1) of the act? If not, what are the limitations of new section 125(2) and could this new subsection be used by future state governments to override council decision-making about, for example, budgets, procurement or banking arrangements?

The Hon. V.A. CHAPMAN: The situation with this is that their regulation-making power is actually quite restrained under our laws in relation to regulations in any event. It was the LGA's concern that was raised, which I do not actually agree with. They were concerned that, on the advice that they had had, the reference in subsection (1), which you have referred to, to policies, practices

and procedures was of a general nature and therefore non-financial matters could be captured by this.

Whilst I do not agree with that and we have had advice on it, nevertheless, to make it crystal clear you will see in new subsection (3) now that the proposal is to insert the word 'financial' so that it is 'internal financial control'. My understanding is that they understand that. So we are at odds as to whether it is necessary, but to be absolutely clear here—I am not here to be deceptive on this—there are not a whole of other areas that I am going to come in and make regulations on that might impose some other broader remit here. We have settled on that.

I do not have control over what standards the councils use in that regard. They have this better practice model, which they say to me is pretty widely used by their councils. It seems to me they need to do a bit of work to make sure all their councils are utilising it, because these are the sorts of standards that people are measured against when it comes to auditing their own records and so on. It is a means by which we are really just trying to be absolutely clear that it is not the intention of the government that we are going to come in and suddenly make regulation powers, which I think would be unlawful anyway but which they were worried about, so we have added it in.

Clause as amended passed.

Clause 82 passed.

Clause 83.

Mr DULUK: This is in relation to the audit and risk committee, which is something that always appeals to my accounting heart. Attorney, in regard to the new requirement of the audit and risk committee to provide a report to the council every three months, in providing this report are the minutes of the quarterly audit and risk committee sufficient as a reporting document or must a separate written report be prepared? If the latter, what are the form and substance requirements, if any?

The Hon. V.A. CHAPMAN: New section 126(8) states that audit and risk committees must:

(a) provide a report to the council after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting…

The bill does not dictate the form of this report as long as it provides the required summary. The essential factor would be that councils are satisfied with the quality of the reporting their committees make to them. If a council is not, this is a matter that the council would raise with their committee.

Clause passed.

Clauses 84 to 86 passed.

Clause 87.

The Hon. V.A. CHAPMAN: I move:

Amendment No 69 [DepPrem–1]—

Page 52, line 29 [clause 87(2), inserted subsection (1a)]—Delete 'or controls (or both)' and substitute:

and controls

Amendment No 70 [DepPrem–1]—

Page 52, lines 33 and 34 [clause 87(2), inserted subsection (1a)(a)]—Delete '(or both) (as the case requires)'

These amendments make slight changes to the way in which the Auditor-General would undertake a council audit if the Auditor-General is acting as a council's auditor. They are technical changes that have been requested by the Auditor-General that clarify that he would audit both the financial statements and the internal controls of the council and that a report on both would be provided to the minister.

I am also aware that some concerns have been raised regarding the costs of these audits given the Auditor-General can recover these costs from the relevant council. I clarify that these audits would be undertaken only when necessary where the undertaking of an audit may be a more efficient

way to identify issues than undertaking a full examination, which can place higher demands on a council's resources, and where other benefits are clearly identified.

Ms STINSON: Can the Attorney detail what the cost of the audits will be?

The Hon. V.A. CHAPMAN: It is very much an estimate but, if the council did step in to do an audit, the estimate I am advised would be about $20,000. Again, this is one of the important initiatives that I hope will reassure the ratepayers of the financial management by their councils, and then with ESCOSA, which is really an assessment in relation to their forward planning and proposals, they will have some reassurance as to where their council is going on their behalf and who is paying for it. It is part of a dual exercise.

Amendments carried; clause as amended passed.

Clauses 88 to 92 passed.

Clause 93.

Mr DULUK: Attorney, in dealing with this clause, we are looking to the uses of the power of councils in regard to site value and ratings. I understand all councils use the capital value method. I believe most councils are going to be impacted by these changes, especially in our regions in South Australia's far west, including the Tumby Bay council, Streaky Bay, Whyalla, Port Lincoln, Port Augusta, Kimba, and Ceduna. What transitional arrangements are contemplated to assist these councils to make the complicated change in regard to how they rate their sites and move into a capital value method? Will the state government make available any assistance for the necessary IT changes or is community consultation required?

The Hon. V.A. CHAPMAN: The member is quite correct: the district councils of Tumby Bay, Streaky Bay, Whyalla, Port Lincoln, Port Augusta, Kimba, and Ceduna do and have had, I think historically, a site value assessment basis, and, by the introduction of this reform, that will no longer be available to them. What is clear, though, is that it will take some time to do. On discussions about this matter, it will probably take three or four years for that to come into play. It is not the intention of the government to progress this provision straightaway. We will have to sit down and talk to those councils about how that goes through.

There will be change commencement details and so on so there is a smooth transition that will need to be worked through. The bill also provides regulations to be made for any necessary additional provisions for saving or transitional nature. This can be used, if necessary. We also note that councils have a range of tools under chapter 10 of the act to use when setting rate policies so they have some way of managing that themselves.

Councils can utilise minimum rates and fixed charges, apply a cap on increases on particular properties and provide rebates and relief as they see fit. Again, they have some mechanisms by which they can manage this transfer. Councils making the transition to a capital valuation as the basis of rating can use these tools in this process to ensure the impact on their ratepayers is managed.

The government is mindful that this is going to place a new regime of responsibility to get their house in order for seven councils to accommodate this. It will take some time. We will work with them to ensure that we make this a smooth transition for them.

Clause passed.

Clauses 94 to 97 passed.

Clause 98.

The Hon. V.A. CHAPMAN: I move:

Amendment No 71 [DepPrem–1]—

Page 54, after line 22—Insert:

(1) Section 184(3)—after paragraph (b) insert:

(ba) to the holder of any caveat over the land; and

Amendment No 72 [DepPrem–1]—

Page 54, after line 24—Insert:

(2) Section 184(14)(a)—delete paragraph (a) and substitute:

(a) subject to subsection (14a), all mortgages, charges and caveats; and

(3) Section 184—after subsection (14) insert:

(14a) The title vested in a purchaser under subsection (13) will not be free of a caveat held by an agency or instrumentality of the Crown, unless that agency or instrumentality consents to its discharge.

The LGA has stated that councils have experienced difficulty having transfers processed under this section in circumstances where caveats have been lodged against a title. To prevent title registration processes from becoming protracted, delayed or defeated, this amendment provides the removal of titles upon the sale of land for non-payment of council rates. However, before this happens, the holders of any caveat will need to be given notice by the council at the start of the sale process. Also, caveats held by an agency or instrumentality of the Crown will not be removed from titles unless the agency or instrumentality consents to the discharge of the caveat.

Amendments carried; clause as amended passed.

Clauses 99 and 100 passed.

Progress reported; committee to sit again.

STATUTES AMENDMENT (SENTENCING) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

EQUAL OPPORTUNITY (PARLIAMENT AND COURTS) AMENDMENT BILL

Final Stages

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

No. 1. Clause 1, page 2, line 4—After 'Parliament' insert:

and Courts

No. 2. Clause 3, page 2, after line 9—Before the current contents of clause 3 (now to be designated as subclause (2)) insert:

(1) Section 87(6a)—after 'sexual harassment a' insert: judicial or

Consideration in committee.

The Hon. V.A. CHAPMAN: I move:

That the Legislative Council's amendments be agreed to.

I will speak briefly to this on behalf of the government. The amendments make provision for the equal opportunity processes in dealing with sexual harassment matters not only to include members of parliament, which is the original bill, but to expand it to include judges. This has been with the indication of the Chief Justice that, whilst he had initially indicated he felt that they have their own judicial conduct commissioner and that would be sufficient, the process that is referred to in the Equal Opportunity Act does not have a similar process through a judicial conduct commissioner.

In any event, he indicated that he would not have any objection to these amendments being presented by the Hon. Connie Bonaros to include judges, and essentially the courts and the parliament to then be covered by that. As the member knows, the only third group that remains with exclusion arrangements in the Equal Opportunity Act are local councillors and we have just dealt with that in another bill that is currently being considered by the parliament, so three strikes.

I want to commend the Chief Justice for agreeing to come into this process and give that opportunity to judges in circumstances where there may be some sexual harassment allegations between judicial persons, as we are with MPs and local councillors who are elected members.

We are in the 21st century. This is important reform. I thank the Legislative Council for their consideration and the Hon. Connie Bonaros for her more detailed examination and presentation of these amendments. They are accepted by the government.

Motion carried.

Sitting suspended from 18:00 to 19:30.

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL

Committee Stage

In committee (resumed on motion).

Clause 101.

Ms STINSON: Can the Attorney inform the committee what the total number of referrals to the minister have been under this provision in regard to community land or the revocation of community land status, both for the existence of this and also by year over the last three years? Obviously, I am happy for that to be taken on notice.

The Hon. V.A. CHAPMAN: Just so I am clear about it, it is the number since the end of July, since I became minister; is that right? And then also the annual amount for each of the three proceeding years, presumably to 30 June?

Ms STINSON: Yes. it is the total number of referrals put to the minister under this section ever.

The Hon. V.A. Chapman: Ever?

Ms STINSON: Yes. I do not really have a great idea of how many there are or over what period, so if you want instead to provide yearly for the last three years, that would be fine.

The Hon. V.A. CHAPMAN: Let's just start with that. Can I indicate briefly to the committee that obviously as a new minister—I have only been in the job a few months—I could probably think of half a dozen matters that have been put to me to advise of councils requesting that community land be available for sale generally or conversion of use.

I am advised that there are about 30 or 40 a year, which is probably consistent with that. They come through a process to the minister ultimately for approval. I think the last one I had was from the Mitcham council. Councils go through a certain process. They have to give notice, and I have to be satisfied that the process is being followed and then make a determination whether, on balance, it is reasonable that the community land be converted for whatever is proposed to happen with it.

The only thing I can initially add, in the very brief experience I have had with them, is that sometimes community land is abandoned, if I put it in the sense that its original purpose is no longer relevant, and the community is looking for some renewed use for it, and councils step in to look at whether it is able to be used for some other purpose for the benefit of the community. Sometimes the original people who set these up are no longer around.

The most recent one I have had anything to do with personally is the Stokes Bay Tennis Club on Kangaroo Island. It was smashed during the fires. Various agencies are putting in money to rebuild tennis courts, repair the hall, put up a CFS shed and things like that, and it is all on community land.

From time to time, it is relevant to various parties who contribute donations and/or investment to infrastructure on these things, but my understanding, in that instance with the local Kangaroo Island Council, is that they are happy to treat it as a community asset, whether the council own it or whether it is community land. I imagine it depends a bit on how local councils treat the issue in question, but it is quite a process. There have certainly been probably half a dozen that I have been

aware of. There might have been three or four that have come up to me to either approve or reject, but we will get that three years' data for you.

Ms STINSON: I would be most grateful for those figures. What I am trying to ascertain is how many referrals will no longer come to the minister due to the amendments that are being put forward. My understanding is that what is being put forward is that a number of what might be termed lesser applications will no longer need to come to the minister but will go through a council-run process, so I am just trying to figure out how many that will affect. Will it be one of the 30 or 40 that you get each year or will it be 50 or 60 per cent of the current referrals that are coming up to the minister?

The Hon. V.A. CHAPMAN: About 30 or 40 a year have been going through to the minister or the delegate because my understanding is that, until I became minister, there had been a delegate in place. I am not even sure who it was, but I remember receiving advice that, until this whole issue is sorted out here, these matters should go to the minister and so I have been dealing with them. I am not sure whether it is usual practice or not that this is given a delegate role to some executive officer of some kind. Some ministers do, some ministers do not. Anyway, for whatever reason, I am doing them and I am happy to do them until we have this in process.

What I think you are trying to ascertain is what would be the reduced number that would be expected to only go to the minister with this in process and obviously on the basis that it can be covered by this other process. We will see if we can find that out.

Ms STINSON: I wonder if the Attorney could also expand on the reasons why she says that this amendment is necessary. I realise that this goes to both clause 101 and clause 102, so I am happy for them to be addressed together. I wonder what the driving force is behind this because to me 30 or 40, especially if they are delegated, do not seem like a lot of referrals to be dealing with, yet the reason that was put to me was that this was too onerous and the council should be dealing with it themselves. I wonder if the Attorney could enlighten us on what the objective is here that is trying to be achieved by these amendments.

The Hon. V.A. CHAPMAN: My understanding is that this matter is being proposed on the basis that often land is left vacant, abandoned and not utilised. Councils—certainly the metropolitan councils—are always keen to look at how they can employ the use of available space and that is to their credit. The idea of putting something to good use that is currently sitting abandoned in that sense needs investment and needs to be dealt with. They go through a process. They do all the work. If they are committed to bringing it to life again for the benefit of the community then they are the best people to make that decision.

At the moment, my process on top of it is really to say, 'Have they ticked all the boxes? Have they given notice?' I think there are certainly public notice procedures—last known occupants and those sorts of things—that have to be advised because, again, community land can develop as a result of somebody bequeathing land for community purpose but not setting up a trust around it.

As Attorney-General, I get to look at all sorts of trusts and sometimes change their charters and terms so that they can change a role; for example, suddenly boxing rings do not become popular out of the 1930s and they need to change something to a different purpose. It is a red-tape issue, as I understand it. There are lots of hurdles they have to go over anyway, so should it need to come up through a minister and have some executive sign-off? The general feeling is no.

I just mention, for whatever reason—just keeping an eye on these things—I am doing them in the meantime. I hope that is some reassurance. I have a fairly critical assessment of these because I get a lot of advice at different levels of the proposal, but also checking off that all the ticking of the boxes has occurred; that is, councils just cannot come in, pull it over, then get a property developer and put housing on it. It has to be identified for its new community purpose. Sometimes it can be for addition to another title. There was one I had in that category. Again, that is really just the structure to enable them to be able to utilise it for a community benefit.

The CHAIR: Point of clarification, member for Badcoe?

Ms STINSON: I think I have expired my three questions on that one, but I have similar questions that I can apply to clause 102.

Clause passed.

Clause 102.

Ms STINSON: The Attorney in her last answer touched on the next point that I wanted to explore. Labor does see the ministerial tick-off that is in place at the moment as a necessary check on councils who may wish to sell off land or change the purpose of land contrary to what their community might want. Obviously, I am thinking of the example that has been in the news and the subject of quite some community consternation lately, which is the Walkerville YMCA situation. What provisions are there to protect situations that occur like that, and will the minister still be looking at those kinds of cases where a council may well want to repurpose land or, indeed, sell it off for apartments or developments, but it is in conflict with the community?

My understanding of how the council community consultation phase operates at the moment is that the council is not bound by the results of its own consultation. While there is a provision that it has to consult with the community, if the community comes back and says, 'We absolutely don't want you to sell this land,' the council can still go ahead and do it anyway.

The important safety net to that currently is that those matters all have to go up to the minister and the minister has to apply a public interest test, essentially, to see if the process was followed and to see if it is a fit reason for the council wanting to change the use of the land or sell it off in some way. So what protections are there in place to make sure that, in a situation like Walkerville, the minister would still have a tick-off and there would still be a safety net there, or are we removing a safety net that is quite important for those communities?

The Hon. V.A. CHAPMAN: Firstly, let me deal with the Walkerville situation. The Walkerville example is community land. The YMCA issue is a matter where they have been a tenant and the council have made a decision not to renew the tenancy, as I understand it, and so this is where the tension is there. That has nothing to do with whether it is council land or community land. It being community land, there is a restriction on the extent of the lease that can be granted. There is a limitation on community land that it can only be up to 42 years, so that is not really the key issue.

The second issue that you raise is if the opposition is of the view that we need to have some sort of ministerial protection just in case councils do go and try to flog off these assets, there is already provision in the act to cover that. I am just finding it now: under 194B and community land, the bill makes provision that if you sell it or change it, if it is being used for educational, sporting or recreational purposes or community open space and the revocation is with a view for sale or disposal of the land, then all those circumstances need ministerial approval anyway.

I think that is the key issue, if you are concerned about that. That will still be a sanction that is required, but they do not need to come through for me to tick the boxes on whether they have given public notice and various things of that nature. That will just be part of their normal management.

Ms STINSON: My understanding of the Walkerville situation differs from the Attorney's. I agree with the Attorney in that she has said, yes, they were a tenant and the council is ending that tenancy on 31 December, and after that they will no longer be a tenant on that site. However, the site is larger than that, and both where the YMCA is now and some other adjoining parcels of land are the subject of, I believe, current consultation—or it may have just finished—that the council is doing about the future of that piece of land.

Obviously they are going through the process that is outlined in the existing act but then, because they are doing it at this stage, the next step will be for it to go to the minister. The minister or their delegate will have to decide whether the process has been complied with—and there is some conjecture whether or not that is the case—and whether the purpose, which to date has not been clearly stated to the community, is a valid one under the act. That will obviously be up to you, as minister to decide.

I am just trying to ascertain, if that situation or something similar arises again where the community has an interest in the land, either for its current or possibly future purposes, what will be in place.

The Hon. V.A. CHAPMAN: First, there is no application before me, or as I understand it the department has not received any application, to deal with the community land. Yes, the community land has had part of its tenancy on there with the YMCA. Nothing I currently do as minister can require the keepers of the site to agree to any particular tenancy. That is not my role as minister.

Ms Stinson: I am not concerned with the tenancy—

The Hon. V.A. CHAPMAN: I am just saying that is why I think it confuses the issue a bit. There is no application before me, but if it does come before me then I will have to consider certain aspects of it. Under this arrangement they would still have to come to me to get approval if they planned to sell it, because it is in this category of being for community use and a sporting facility. It is probably not the best example, but if we were to look at any situation where they were planning to sell it they would still have to go through a process anyway—and these are all the things that the scrutiny of the department is there to identify, whether they have actually fully complied with those things.

Let us assume they want to change its use to make it into a private tennis club or something of that nature, and it is a change of use. Frankly, I remember the time when Jane Lomax-Smith was the Lord Mayor, and we had a similar type of situation dealing with the change of use of Memorial Drive and the introduction of private enterprise such as childcare centres. She was not very happy with that, because it was on parklands. I said, 'Well, you're not going to get mums back to gyms if they haven't got somewhere to put their baby, so let's think a bit more practically about this.'

We managed to get that happening, but it was the whole question of having an enterprise on an area that was, in that case, parklands used for a sporting facility—in that case tennis was the main sporting facility on it—becoming an entirely different enterprise. These always bring challenges, especially when metropolitan councils are generally very guarded about wanting to keep their open space, because there is usually a shortage. The hurdles are there now. They will still be there for sale and/or even the view to sale. I think that is an important initiative, with the protections in here that I think the member is concerned with.

Ms WORTLEY: In relation to the site that we are referring to in Walkerville, at the moment, if the current community land classification is revoked, my understanding is that, as you mentioned, that would enable a lease of longer than 42 years. It would also enable the council to sell that land. What is the difference to the legislation as it currently stands and any of the changes that have been put forward?

The Hon. V.A. CHAPMAN: That is my point. At the moment, it has to go through ministerial approval and the arguments that I have outlined are to that being unnecessary for most of the conversions here. If they have to sell it under this proposal and under the new regime, even though they are going to be relieved, less will have to come through the minister, if they want to sell it or have the view to selling it, even if they have not put the sign up, they still have to come through me and go through a process. That issue of the kicking out existing tenants, which is probably how the YMCA feel, and the disposal of it to get some return on this land is a matter that remains as a protection under this new regime.

Ms WORTLEY: In relation to proposed sale of the land, what changes in what is currently in the legislation and what is proposed?

The Hon. V.A. CHAPMAN: My understanding is the only new thing, which is an extra thing here, is that I can set conditions on my approval as the minister. Anyone in my position would be able to do that. That may not be how they were going to apply to the sale or who they are going to sell it to, but more likely that they get a market appraisal of the value of the property—in other words, that they are not underselling it, for example.

I am not suggesting the Walkerville council is in any financial difficulty, but if a council wanted money quickly, they wanted to flog something off and they were selling a significant community asset under par to deal with their own impecunious state, then that may be something that I want to set a condition on to make sure that they do get fair value for their community. I do not think it goes as far as requiring them to reapply those proceeds or anything of that nature; it is really just conditions of how the sale is going to take place, as the way I am advised.

Clause passed.

Clauses 103 to 107 passed.

Clause 108.

The Hon. V.A. CHAPMAN: I move:

Amendment No 73 [DepPrem–1]—

Page 59, after line 16—Insert:

(a1) Section 221(3)(b)—delete paragraph (b) and substitute:

(b) the alteration—

(i) provides for vehicular access to and from land adjoining the road (including construction of a crossover or driveway and associated or ancillary works, other than works excluded by regulation from the ambit of this paragraph); and

(ii) subject to subsection (7), is approved as part of a development authorisation under the *Planning, Development and Infrastructure Act 2016*; or

Amendment No 74 [DepPrem–1]—

Page 59, lines 17 to 19 [clause 108(1) and (2)]—Delete subclauses (1) and (2) and substitute:

(1) Section 221(7)—delete subsection (7) and substitute:

(7) A relevant authority under the *Planning, Development and Infrastructure Act 2016* may only grant an approval under subsection (3)(b)(ii) after consultation with the chief executive officer of the council.

Amendment No 75 [DepPrem–1]—

Page 59, lines 21 and 22 [clause 108(3), inserted subsection (7a)]—Delete 'subsection (7)(b)' and substitute:

subsection (7)

Amendment No 76 [DepPrem–1]—

Page 59, lines 30 to 36 [clause 108(4)]—Delete subclause (4) and substitute:

(4) Section 221(8)—delete subsection (8) and substitute:

(8) The requirement to consult under subsection (7)—

(a) does not extend to an assessment panel appointed by the council; or

(b) does not apply to an alteration that complies with any relevant design standard under the *Planning, Development and Infrastructure Act 2016*.

I move these amendments en bloc. They relate to clauses in the bill that propose to amend uncommenced provisions of the Planning, Development and Infrastructure Act 2016, which will implement a scheme where no authorisation or permit will be required where the alteration or use of a public road is approved as part of a development authorisation under the PDI Act.

The clauses in the PDI Act would expand the exemption for authorisations and permits to alterations and uses for any purpose if they are approved as part of a development authorisation. This would also create a different pathway for development authorisations depending on if they were approved by an accredited professional or other planning authority under the PDI Act.

The clauses within this bill as introduced amend the PDI Act provision to require consultation on the authorisations that are proposed to be provided as part of the development authorisation only to be with the council CEO. These clauses have been discussed at length with the LGA and councils, who raised a number of concerns, chiefly that the large-scale exemptions from applications to councils for authorisation would apply with limited consultation.

Following these discussions, these further amendments are proposed. They will reduce the scope of 'development authorisation' exemption back to the current 'driveway crossover' exemption and provide an exemption for associated or ancillary works other than those included by regulation.

These amendments also create a simpler consultation scheme for the provision of authorisations regardless of who is granting the development authorisation. I hope that is clear.

Amendments carried; clause as amended passed.

Clauses 109 to 114 passed.

New clause 114A.

The Hon. V.A. CHAPMAN: I move:

Amendment No 77 [DepPrem–1]—

Page 60, after line 21—Insert:

114A—Repeal of section 225B

Section 225B—delete the section

The bill proposes that specific provisions relating to mobile food vendors be removed to be replaced by a general right of appeal where a council has unreasonably issued or refused to issue a permit or authorisation to a business, including food trucks, or a council's use of permits or authorisations has unreasonably impacted a business. It is proposed that this appeal would be made to the Small Business Commissioner, who has the existing role to manage any conflicts between food trucks and other businesses in reviewing council location rules.

However, this amendment removes the specific role of the Small Business Commissioner. It is not considered necessary for the commissioner to have a specific role under the act, as the commissioner has a prescribed function under section 5(1)(b) of the Small Business Commissioner Act 2011 to assist small businesses on request in their dealings with state and local government bodies. At this point, I move only amendment No. 77, which deletes the first section, and then in the matters I have foreshadowed we will make provision in the next.

Ms WORTLEY: Attorney, would you be able to explain what the difference is between the current situation and what the new clause will in effect do to food trucks?

The Hon. V.A. CHAPMAN: Food trucks are there. There have been some issues; I think that is pretty obvious, especially in coastal councils. We are proposing here that the original concept for trying to deal with these matters will not progress; we will not be asking the Small Business Commissioner to do that. He has powers to come in anyway, if he is needed. This was seen to be not a sensible way of trying to deal with that, but there are protections already there. Is that what you are looking for some assurance on?

Ms WORTLEY: Yes.

The Hon. V.A. CHAPMAN: Thank you.

Ms WORTLEY: Could I have clarification then on the current situation and what will happen when this is passed?

The Hon. V.A. CHAPMAN: There will not be specific provision for the food trucks, but if they are in some way being treated unfairly they still have access to the commissioner. We are not putting that in a prescriptive state in this bill, as that is not really the answer here, but there has to be some reassurance. We do not really have much there to deal with it at the moment; we have special provisions for food trucks, but that is not really ideal to stay there. We have come up with a model; it seems that that is not going to help much either, but we need to have some reassurance.

Although we had originally proposed the Small Business Commissioner, we were really saying, 'Lets just move that back out. He has certain powers anyway under his own act, and he can act for the resolution of issues in relation to local government and government agencies anyway, so we don't need this.' This is another level of unnecessary regulation that we agree is probably unnecessary.

New clause inserted.

Clause 115.

The Hon. V.A. CHAPMAN: I move:

Amendment No 78 [DepPrem–1]—

Page 60, line 22 to page 61, line 10—This clause will be opposed

This is really just the extension of exactly what we were discussing before, so I do not think I need to add anything further.

Clause negatived.

New clause 115A.

The Hon. V.A. CHAPMAN: I move:

Amendment No 79 [DepPrem–1]—

Page 61, after line 10—Insert:

115A—Amendment of section 226—Moveable signs

(1) Section 226—after subsection (2) insert:

(2a) A person must not exhibit an electoral advertising poster relating to an election held under this Act or the *Local Government (Elections) Act 1999* on a public road (including any structure, fixture or vegetation on a public road), except in circumstances prescribed by the regulations.

Maximum penalty: $5,000.

(2) Section 226(3)(ca)—delete paragraph (ca)

(3) Section 226—after subsection (4) insert:

(5) In this section—

electoral advertising poster means a poster displaying electoral advertising made of—

(a) corflute; or

(b) plastic; or

(c) any other material, or kind of material, prescribed by the regulations.

Incidentally, I think this is the clause that the member was interested in about moveable signs. This is the insertion of section 115A, to deal with moveable signs and setting out provision for not exhibiting electoral advertising posters. This amendment has been proposed following a call by the local government sector themselves to apply restrictions to the display of election signs or corflutes. At the Local Government Association annual general meeting on 31 October 2019, councils requested the LGA to advocate for stronger regulation of corflute signs.

The LGA has stated that councils identified many problems with the use of corflute election signs during recent commonwealth, state and local government elections, including the loss of roadside amenity, diminished roadside safety, potential damage to roadside infrastructure and the significant council resourcing requirement for enforcement.

I also note that candidates in local government elections have varying degrees of resourcing available to them. Many council candidates simply do not have the resources to print display corflutes and they should not be disadvantaged because of this. Also, it should be noted that ballot papers that are distributed to voters in local government elections include information on all candidates. Voters do not have to see corflutes to understand who is standing in their elections.

Members would be aware that there is also another bill for electoral reform in the parliament at present to deal with corflutes and their use, or diminished use—restricted back to polling booth and polling day use only—and for the removal of their display. Whilst I appreciate the opposition have given an indication they will be opposing all the elements of that reform bill, which is disappointing, I would still ask the opposition to consider accepting this reform. The reason, particularly, is that as soon as we had made announcements as a government that we were considering the removal of corflutes for state elections, or at least their regulated use, I received a letter, almost instantly, seeking that they be included; that is, that local government councils be also relieved of the burden of these things.

My immediate reaction was, 'You are all council districts. You can all identify whether you are going to approve them or not. It is really a matter for you. It is in your hands.' But they wanted this cleaned up. They have advocated for it. Obviously, given our position on the state election corflutes, we think they are past their use-by date and there are many other better ways for people to communicate their credentials for the purposes of favourable consideration of the candidate. We are in the 21st century and we would ask the opposition to consider this. Not to do so would be going against the wishes of the councils that want to be relieved of this. I will say, for the record, that Kangaroo Island has historically rejected corflutes.

Ms Wortley: That's because everyone knows everyone.

The Hon. V.A. CHAPMAN: Well, not necessarily, but I make the point that there has been a practice on the island not to use them during state elections and so we do not have our fences or trees or sheep yards adorned with pictures of candidates. We seem to have survived over there without them when I was growing up, that is for sure. I think at the last election the current member for Mawson had actually put a display up on Kangaroo Island that had incited other candidates, apparently, to put up posters. I cannot say it was very warmly welcomed—perhaps reflected in the vote the sitting member got on Kangaroo Island. I think in the polling booth I stood he got about 30 per cent of the primary vote.

Ms Stinson: Which I think was a lot better than the previous Labor candidates.

The Hon. V.A. CHAPMAN: No, I think the sort of 68 per cent for the Liberal Party in that booth was pretty—

The CHAIR: Anyway, we are digressing.

The Hon. V.A. CHAPMAN: I am getting into Michael Atkinson-type conversations at this point about who has the best winning booth in the state elections. The point is: this is something councils are seeking relief from. We agree with them. It is there for your consideration.

Ms STINSON: There is a subsection in there that reads:

A person must not exhibit an electoral advertising poster relating to an election held under this Act or the Local Government (Elections) Act 1999 on a public road (including any structure, fixture or vegetation on a public road), except in circumstances prescribed by the regulations.

Attorney, can you detail what circumstances you envisage in the regulations?

The Hon. V.A. CHAPMAN: I would expect probably whatever is going to be sorted out is the same as for state elections, as to what happens on polling day. So the electorate and district does not get swarmed with posters, but there is an acceptance in terms of the state election proposal that there will be some form of opportunity to display corflutes on polling day at polling booths.

It may actually be during the polling period, because we are looking at the pre-polls, but when you come to vote at the place of voting, there will be some regulatory management of that. So the blight here is really only the relief during the 28 days or so before the election in that you do not get blinded with pictures of candidates.

Ms STINSON: The Attorney earlier mentioned that she had turned her mind to the way that this might be dealt with might be that individual councils could make their own rules about whether or not they had corflutes. I understand the Attorney said she was persuaded by the Local Government Association's arguments that it should be done in this way and apply to all councils. What is it about that argument that trumps the argument of allowing councils to pass their own by-laws in relation to corflutes?

The Hon. V.A. CHAPMAN: At first blush, because they have powers to restrict or set terms and conditions in relation to corflutes. I do not know about the member for Badcoe, but come election time we have to write out a form to the local council to get permission to put up posters—where, when and all those things; that is a process you have to go through. I am wondering why we would need to come in in a statutory way to deal with that?

Just imagine for a moment the pressure on councils if someone was in a better position to be able to have that display as a candidate for a council election—richer, they have more support,

whatever—and was able to exploit this opportunity and others did not. Would they have influence on the council, on allowing those by-laws to be exercised or not? Well, I think that is what they want to be relieved of, to be frank. They do not want to have to be—

Ms Stinson: You're talking about them being corrupt.

The Hon. V.A. CHAPMAN: Sorry?

Ms Stinson: You're talking about the council being corrupted by—

The Hon. V.A. CHAPMAN: No, definitely not—simply by a decision as to what they will allow or not. And if there is a situation where there is unreasonable pressure to have this available, they may put those arguments.

What is now being suggested to me is that authorisation is not currently required from the councils. Well, I am just a very good candidate; I make sure I provide those details. So that is there. Of course, one of councils' biggest problems is having to deal with the compliance afterwards—that is, people who put them up anyway, and they have to be able to manage it now. They do not want them up there in the first place. They do not want to have to go round and say, 'It's exactly two days since these have been up here, and they are supposed to be gone,' etc. This is what they have asked for. They want to be relieved of this, and we think they have a good argument.

Clearly, as I now know, the forms I am filling out are not for authorisation but, rather, to provide notice to them. Their capacity to actually manage that is not as extensive as I thought it was.

Ms STINSON: Before we vote on this, I just want to indicate that although the LGA has been very helpful in putting forward many constructive amendments over the course of looking at this incredibly complex bill, unfortunately Labor does differ with them on this point, and we will be opposing this.

New clause inserted.

Clauses 116 and 117 passed.

Clause 118.

The Hon. V.A. CHAPMAN: I move:

Amendment No 80 [DepPrem–1]—

Page 61, after line 18—Insert:

(1) Section 234AA(1)(b)—delete paragraph (b)

I indicate that these amendments are consequential on the development authorisation amendments to the authorisation and permit provisions in sections 221 and 222.

Amendment carried; clause as amended passed.

Clause 119.

The Hon. V.A. CHAPMAN: I move:

Amendment No 81 [DepPrem–1]—

Page 61, lines 23 and 24 [clause 119, inserted subsection (6)]—Delete 'the council has given public notice of the resolution' and substitute 'notice of the resolution is published on a website determined by the chief executive officer of the council'

Amendment No 82 [DepPrem–1]—

Page 61, after line 24—Insert:

(6a) A council must also give public notice of a resolution passed under this section as soon as possible after passing the resolution.

These amendments have been requested by the LGA that will allow councils to close a road once this decision has been made and a notice published on the council's website, rather than waiting for the publication of the next *Government Gazette*. I think it is a sensible 21st century initiative and I endorse it for consideration of the house.

Amendments carried; clause as amended passed.

Clauses 120 to 125 passed.

Clause 126.

The Hon. V.A. CHAPMAN: I move:

Amendment No 83 [DepPrem–1]—

Page 63, lines 14 to 16 [clause 126, inserted section 262B(2)(a)]—Delete 'the presiding member, chief executive officer or a delegate of the presiding member or chief executive officer authorised to receive complaints (as appropriate)' and substitute 'a person authorised to receive complaints, being a person who is not the person the subject of the complaint'

Amendment No 84 [DepPrem–1]—

Page 64, line 39 [clause 126, inserted section 262B(3)]—Delete 'and may—'

Amendment No 85 [DepPrem–1]—

Page 64, line 40 to page 65, line 2 [clause 126, inserted section 262B(3)(a) to (c)]—Delete:

paragraphs (a) to (c)

Amendment No 86 [DepPrem–1]—

Page 65, after line 4 [clause 126, inserted section 262B(4)]—Insert:

(ab) must not be inconsistent with the *Public Interest Disclosure Act 2018* or a council procedure under that Act; and

Starting at amendment No. 83, this followed concerns raised by the LGA to propose that section 262B(2)(a) be amended to require that complaints be provided to a person authorised to receive complaints and remove references to the presiding member, CEO or delegate to enable the council policy to specify who the authorised persons are. This is to ensure compliance with obligations under the Public Interest Disclosure Act 2018.

Amendments Nos 84 and 85 are the technical amendments. It is not considered necessary to list the matters that may be included in councils' behaviour management policies, given the wideranging powers included in the clause. Amendment No. 86 has been included following feedback from the LGA to ensure that the council's behaviour management policy is not inconsistent with the Public Interest Disclosure Act 2018 or a council procedure under this act.

The ACTING CHAIR (Mr Cowdrey): Do you have any questions, member for Badcoe, in regard to those amendments?

Ms STINSON: No.

Amendments carried.

The Hon. V.A. CHAPMAN: I move:

Amendment No 87 [DepPrem–1]—

Page 65, lines 27 and 28 [clause 126, inserted section 262C(2)]—Delete 'an ordinary' and substitute 'a'

This is a technical amendment to ensure the matter be considered at any meeting of the council, i.e. an ordinary or special meeting.

Amendment carried.

The Hon. V.A. CHAPMAN: I move:

Amendment No 88 [DepPrem–1]—

Page 69, line 28 [clause 126, inserted section 262M(1)]—Before 'costs' insert:

reasonable

Amendment No 89 [DepPrem–1]—

Page 69, line 28 [clause 126, inserted section 262M(1)]—Before 'ongoing' insert:

reasonable

Amendment No 90 [DepPrem–1]—

Page 69, line 31 [clause 126, inserted section 262M(1)]—Delete 'the President of'

Amendment No 91 [DepPrem–1]—

Page 69, after line 31 [clause 126, inserted section 262M]—After subsection (1) insert:

(1a) The LGA may recover (from time to time) the costs payable by the LGA under an arrangement under subsection (1) as a debt from councils.

These clauses have been amended in response to some concerns raised by the sector regarding the potential costs of the proposed behaviour standards panel, which is proposed to be paid by the LGA. Amendments Nos 88 and 89 insert the word 'reasonable' before 'costs' to provide additional assurance that the cost will reflect what is really needed to operate the panel.

Amendment No. 90 clarifies that the arrangement that the minister will put in place on these costs will be with the LGA, following consultation. I emphasise that consultation with the LGA on the operation of the panel, particularly its establishment, will be critical. We have commenced dialogue in relation to composition and the like. I will engage very closely with the LGA on these important matters as the reform is implemented. Amendment No. 91 allows the LGA to recover costs from councils as a debt, to enable it to require contributions from councils that may not be members but still benefit from the work of the panel—good union strategy.

Ms STINSON: My question to the Attorney surrounds the costs of setting up the Behavioural Standards Panel. Will the LGA be billed, if you like, for the establishment of the panel? I imagine there are people who need to be hired, buildings that need to be rented, office space that needs to be rented. Will those establishment costs be footed by the LGA and passed on to the councils? Also, what is the estimated cost of both setting up the Behavioural Standards Panel and the annual cost of running it?

The Hon. V.A. CHAPMAN: That is specifically set out in the act. One of the matters we discussed in the establishment of this—which is, again, a process sought by the LGA and councils; this is their way of being able to manage this difficult issue of behaviour—is the grants commission, which has a second role. I forget what else it does, something to do with boundaries. There are three people who sit on it. I think I appoint them all and send them to cabinet for approval. They are commissioners who sit on that and come together for the work as required.

My understanding, on the advice given to me by the LGA, is that that is how they are expecting this panel would operate. I presume they meet at the LGA headquarters or somewhere or, at the moment, as a grants commission. Do they have their own office? No, they do not. I do not know where they meet, but in any event that is what they have suggested, that this panel operate in that way.

I am assuming for a behaviour issue that one, two or three meet for the purpose. They would presumably go to the regional area where the councillors need to be looked at, but they are the matters that they can work out the detail of. It is their establishment, this is their program, it is their cost.

Ms STINSON: In the briefing I received, I asked about costs and I was given an estimate of around half a million dollars, that is $500,000, per year, and that was an operational cost. Since then, members of the LGA have told me that the cost is considerably more than that and may be around $1 million, or more than $1 million. Clearly, there are some figures floating around out there, and clearly at least the Attorney's advisers have some idea of them, as I have discussed it with them previously, but obviously the Attorney is the one who is in charge of this. Therefore, I ask again: are there any costs of which the Attorney is aware, both in terms of the establishment of this Behavioural Standards Panel and the annual operating costs of the panel?

The Hon. V.A. CHAPMAN: I do not know, I do not have those quotes. The grants commission may have cost $300,000 to set up. It is a mechanism by which councils come together and utilise an independent assessing body to be able to share up the money, presumably, in that sense or to deal with boundary matters. This is something they want. Councils have an issue with how they deal with behaviour management; this is the model that they like and that they want.

The member can ask me as many questions as she likes. I have indicated already to the LGA, and have confirmed it here in the parliament, that we will work to assist the LGA, which is the body that will set up this or provide advice on behalf of the councils, and they make nominees at the moment to the grants commission. Similarly, we will have to have discussions about who sits on this, to assist them in that regard.

The only thing I can think of that is close to this is Kapunda, the Light Regional Council, which has a governance panel—I know because the Hon. Graham Gunn, who used to bless us with his company here in the parliament for 40-odd years, sits on it. It seems to be a model similar to what is being proposed here, and it seems to be very effective.

Remember that this is not something about which the government has come along and said, 'Listen, you've got a problem here, so this is what you have to do about it.' They have said to us, 'This is the model we would like to initiate.' We say, 'Fine, we are happy to help and support you to do that; we're not paying for it, but it is a matter for you. If you want to do it on behalf of your members, great—they would be appreciative, I'm sure.' It is really a matter for them. That is what they have asked for; that is what we are giving them.

Ms STINSON: I am surprised that the LGA would not have asked any questions, or their member councils have not asked any questions, of the department or the Attorney's office as to what the likely cost would be of setting up this panel. I understand that the Attorney is saying that this is something the sector wants, but I find it absolutely unbelievable that the representative body or their individual members or non-members, as the case may be, would have no interest whatsoever in how much this is going to cost.

At the end of the day, the LGA will be passing on these costs to councils. Surely the councils have asked how much this is going to cost them, and surely they have asked you that question. I understand that the Attorney is making the case that this is not something the government has particularly advanced, but it is the government's legislation and it is facilitating the setting up of this panel. Is the Attorney in possession of any information that goes to the costs of both setting up this panel and operating it?

The Hon. V.A. CHAPMAN: I do not think I can assist the member any further. It is a model that is new. I am advised by the LGA that they would be seeing it as something similar to the grants commission.

Ms Stinson: So they haven't even asked you how much it costs?

The Hon. V.A. CHAPMAN: They have said that they would like us to help pay for it, but the government's position is very clear, that is, that we will support them to have whatever initiative they want to deal with the management of behaviour of their own councillors.

Ms Stinson: At any cost?

The Hon. V.A. CHAPMAN: That is a matter for them. They represent the councils.

Ms Stinson: They never asked you? Never asked you, 'How much will this cost us?'

The Hon. V.A. CHAPMAN: You can argue the point all you like; this is a matter for them.

Ms Stinson: It's a matter for ratepayers, which is why I'm asking.

The Hon. V.A. CHAPMAN: Absolutely. So why don't you have a meeting with the LGA and talk to them about what they are planning to do on it? I have said to them, 'I'm happy for you as the LGA to be the party that sets this up, meets those matters, bills your constituent members—that is your business.' Alternatively, I will deal with the councils. The LGA want to do it; I respect that, I think it is a sensible model. Go and have a meeting with them.

Amendments carried.

The Hon. V.A. CHAPMAN: I move:

Amendment No 92 [DepPrem–1]—

Page 70, lines 2 to 8 [clause 126, inserted section 262N(2)(a) and (b)]—Delete paragraphs (a) and (b)

Amendment No 93 [DepPrem–1]—

Page 70, after line 10 [clause 126, inserted section 262N(2)]—Insert:

(ca) publish guidance material relating to the performance of its functions under this Division, including with respect to the interpretation or application of a provision of this Division; and

These amendments relate to the guidelines that may be published by the behaviour standards panel. The LGA requested an amendment to clarify that councils should remain responsible for the content of their behaviour standards and policies and that the panel should not have the role of providing guidelines or model policies that may be more properly developed and released by councils or the LGA. Amendment No. 93 clarifies that the panel can however publish guidance material relating to the performance of its own functions.

Amendments carried.

The Hon. V.A. CHAPMAN: I move:

Amendment No 94 [DepPrem–1]—

Page 71, line 3 [clause 126, inserted section 262Q(1)(d)]—Delete paragraph (d) and substitute:

(d) a responsible person in accordance with section 75G(3b).

Amendment No 95 [DepPrem–1]—

Page 71, lines 4 to 8 [clause 126, inserted section 262Q(2)]—Delete subsection (2)

A 'responsible person', under new section 75G—Health and safety duties, has been included as a person who can refer a matter to the panel. This reflects 75G(3b) which states that if a reasonable person gives a reasonable direction for a council member not to attend a council meeting in order to ensure the health and safety of a person affected by the member's behaviour, the reasonable person must refer the matter to the panel.

This is to ensure that the panel can consider the matter and that the direction of non-attendance at a meeting does not continue for an indefinite period. The minister has been removed as a person who may refer a complaint at the request of the LGA, which queried the appropriateness of this proposal, particularly noting that a report from the panel is proposed to be grounds for ministerial action under section 273.

Amendments carried.

The Hon. V.A. CHAPMAN: I move:

Amendment No 96 [DepPrem–1]—

Page 74, line 14 [clause 126, inserted section 262W(2)(b)(i)]—Delete 'an ordinary' and substitute 'a'

Amendment No 97 [DepPrem–1]—

Page 74, lines 28 to 30 [clause 126, inserted section 262W(3)]—Delete:

the member will be taken for the purposes of this Act to have failed to comply with an integrity provision and

Amendment No. 96 is a technical amendment to ensure that the matter can be considered in any meeting of the council—that is, an ordinary or special meeting—and 97 is a technical amendment deeming provisions unnecessary.

Amendments carried.

The Hon. V.A. CHAPMAN: I move:

Amendment No 98 [DepPrem–1]—

Page 75, line 4 [clause 126, inserted section 262X(2)(b)]—Delete 'an ordinary' and substitute 'a'

This is a technical amendment to ensure that the matter can be considered at any time that the council has an ordinary or special meeting.

Amendment carried.

The Hon. V.A. CHAPMAN: I move:

Amendment No 99 [DepPrem–1]—

Page 75, lines 7 to 28 [clause 126, inserted Division 3]—Delete Division 3

This division is being removed from the bill following feedback from the former ICAC. The commissioner considered this provision to be unnecessary and was concerned that it risked confusion with directions and guidelines under section 20 of the Independent Commissioner Against Corruption Act 2012. Referrals can still occur between the panel and the Office for Public Integrity without this provision.

Amendment carried.

Ms STINSON: My question is in relation to clause 126. Can the Attorney describe how the behavioural management policy interacts with the charter, which we spoke about earlier? Just to hasten things up, can the Attorney also explain how it interacts with OH&S in existing workplace laws?

The Hon. V.A. CHAPMAN: In this instance, they are quite separate aspects. This obviously relates to policies, as it says, for behavioural management of its members. The charter relates to engagement.

Ms STINSON: The second part of the question I just posed was how this behavioural management policy interacts with OH&S in existing workplace laws as well. Does one take precedence over the other if there is a conflict between what this is laying out and what other workplace rights legislation outlines?

The Hon. V.A. CHAPMAN: We started on this issue earlier. We will try to bring it to some sort of conclusion. The Ombudsman identified that there was a weakness in the provision of how matters are dealt with when there is conduct of an elected member who is not an employee—they are not a worker as such; they are not employed on a site—and how they might affect, particularly adversely, staff members.

Workplace health and safety laws are really there to protect the workplace and those who are employed on site and all those who go with it. The whole concept of having this model to deal with bad behaviour in particular is to be able to address the management of elected members. That is the difference. I am also advised that the risk to health and safety would be a serious behaviour and would be refused by the panel and not be dealt with by the council.

I suppose it is a little bit like dealing with a policy of behaviour, a code of conduct, certain laws that occur and then, of course, behaviour that is actually a criminal act. There are situations where someone has to make an assessment at times whether someone's behaviour or action is actually criminal conduct, is in breach of a behaviour code or in fact, as would be set here, is in breach of any other regulatory regime.

It is not uncommon to have behaviour which could apply in a number of categories but for which a determination is made as to where you go on it. Mr Lander's submission on this was very crisply put, I thought, when he talked about there being a big difference between misconduct and maladministration and just bad behaviour.

Mr DULUK: Attorney, I have just a couple of questions in regard to subdivision 2, sections 262F and 262M. I believe it is proposed that the LGA will pay the panel's fixed costs, with councils paying an ongoing fee for service. According to section 262F(2)(c) the Behavioural Standards Panel can sue and be sued. If the panel is sued and incurs costs, is the LGA liable for such costs? If so, is that as an ongoing or operational cost to the panel or of the panel, pursuant to section 262M(1), or as the reasonable costs incurred in relation to a complaint pursuant to 262M(2)?

The Hon. V.A. CHAPMAN: It sounds like the bad news I am getting here because this is a standard clause that goes with body corporates and what their entitlements are. It seems as though if someone is, as a panel, sued successfully against the panel then it is probably going to rest with the Crown to have to pay. I might have to get rid of that myself. In any event, I would not take that as dedicated legal advice and they better not be making notes up there.

But I make the point that obviously if that is the case then, of course, whatever liability that may flow from something like that would also be within the envelope of having the opportunity to

have legal costs met and whatever approvals are needed in relation to underwriting some of those things. It is by no means a simple position. That is fairly standard for any entity.

The 262M(2) that you mentioned enables the panel to then recover costs. The panel is going to be set up. The LGA is going to be the body managing all that. They can bill their constituent members for their general running costs. They are happy to take on that role. I think that is an organisation that is appropriate to do that. I do not propose to interfere with that structure. That will be a matter between them and the councils and the panel.

Then, if the panel wants to sue somebody and they want to have some sort of protection, they will probably need to come to me to get some approval to do that if they do not want to be exposed to the risk. They are all matters that we would have a look at if that ever occurred. But we are giving them the benefits that they would have as though they were a body corporate.

Clause as amended passed.

Clauses 127 and 128 passed.

Clause 129.

The Hon. V.A. CHAPMAN: I move:

Amendment No 100 [DepPrem–1]—

Page 76, lines 1 to 24 [clause 129(2)]—Delete subclause (2)

Subclause (2) is being removed from the bill following feedback from the Ombudsman, who raised concerns that the section risked confusion and potential inconsistency with the ICAC's directions and guidelines under section 20 of the ICAC Act. We accept that advice. I commend the amendment.

Amendment carried; clause as amended passed.

Clause 130.

The Hon. V.A. CHAPMAN: I move:

Amendment No 101 [DepPrem–1]—

Page 77, lines 13 and 14 [clause 130, inserted subsection (2)]—Delete:

the member will be taken to have failed to comply with an integrity provision and

This is a technical amendment. A deemed provision is unnecessary.

Amendment carried; clause as amended passed.

Clauses 131 to 134 passed.

Clause 135.

The Hon. V.A. CHAPMAN: I move:

Amendment No 102 [DepPrem–1]—

Page 79, lines 4 to 7 [clause 135(4), inserted subsection (4a)(a)]—Delete paragraph (a) and substitute:

(a) must not provide for a review of a decision of a council—

(i) to refuse to deal with, or determine to take no further action in relation to, a complaint under Part A1 Division 1 by a person who is dissatisfied with the decision; or

(ii) relating to a recommendation of the Ombudsman under Part 1; and

This amendment is being requested by the LGA. It provides that a person cannot seek an internal review of a council decision where the decision is to implement a recommendation of the Ombudsman. It also provides that an internal review on a council decision in regard to member behaviour cannot be sought where a council has made a decision to refuse to deal with or take no further action. This is to prevent additional processes being undertaken continually in regard to a matter that has been settled.

Amendment carried; clause as amended passed.

Clause 136.

The Hon. V.A. CHAPMAN: I move:

Amendment No 103 [DepPrem–1]—

Page 79, line 14 [clause 136(1), inserted paragraph (d)]—Delete paragraph (d)

Amendment No 104 [DepPrem–1]—

Page 79, line 15 [clause 136(1), inserted paragraph (e)]—Delete paragraph (e)

Amendment No 105 [DepPrem–1]—

Page 79, lines 23 and 24 [clause 136(3)]—Delete subclause (3)

Amendment No 106 [DepPrem–1]—

Page 79, lines 26 and 27 [clause 136(4), inserted subparagraph (iva)]—Delete subparagraph (iva)

As noted in the previous amendment, the ability of the minister to give direction to a council based on a report of the designated authority has been a key area of concern for councils. This amendment removes that direction of power for all the reasons I have outlined previously, and they will have their new obligations under the maintenance monitoring program.

I should also indicate that the bill proposes to enable the minister to give directions to a council on the basis of a report from the Small Business Commissioner. Given the other removal that is also to be proposed, the Small Business Commissioner is removed as part of this action, and there is a further amendment to remove from the bill the designated authority from section 273—Action on report.

Amendments carried; clause as amended passed.

Clauses 137 to 141 passed.

Clause 142.

The Hon. V.A. CHAPMAN: I move:

Amendment No 107 [DepPrem–1]—

Page 81, line 6 [clause 142(5), definition of *return period*]—Delete '(a)'

Amendment No 108 [DepPrem–1]—

Page 81, line 8 [clause 142(5), definition of *return period*, (a)]—Delete '(a)'

These are technical amendments.

Amendments carried; clause as amended passed.

Clauses 143 to 147 passed.

Clause 148.

The Hon. V.A. CHAPMAN: I move:

Amendment No 109 [DepPrem–1]—

Page 85, after line 26—Insert:

(2) Section 4(1), definition of *registered industrial organisation*—delete the definition

This amendment relates to amendment No. 115, which proposes to remove 'registered industrial organisation' from section 82 of the Local Government (Elections) Act 1999.

Ms STINSON: Can the Attorney detail the reason for removing 'registered industrial organisation' and what the consequence of this removal is?

The Hon. V.A. CHAPMAN: To be clear here, we are deleting the definition of 'registered industrial organisation' because somewhere else in the bill we are deleting registered industrial organisations as a body that has exemption for the purposes of giving donations. That is the reason.

Ms STINSON: Could the Attorney or her adviser be so kind as to tell me where the other deletion of 'registered industrial organisation' is?

The Hon. V.A. CHAPMAN: I cannot be entirely certain where it has come from. I think that has come from the general drafting of the previous minister. The LGA has not raised any issue with us about it. To the best of my knowledge, of the 93 people consulted no-one has.

Amendment carried; clause as amended passed.

Clause 149 passed.

Clause 150.

The Hon. V.A. CHAPMAN: As per document 67(3), I start with amendment No. 1 in my name, which is the amendment to clause 150.

Mr DULUK: Point of order: I believe I have some amendments lodged as 67(1). Should they be dealt with before the Attorney's amendments scheduled as 67(3)?

The CHAIR: My understanding, member for Waite, is that the minister takes precedence in this situation.

Mr DULUK: Naturally.

The CHAIR: She will move her amendment, and then it may be that you move to amend her amendment. I am sorry to say, to you anyway, that the minister takes priority here.

The Hon. V.A. CHAPMAN: My amendments address an issue that arose recently, namely, the need for a council to hold two separate supplementary elections to fill two vacancies in a single ward that arose almost concurrently. We were speaking about the Mitcham council before, and they have written to me about this issue and we have taken it up on their behalf, obviously with a view to trying to resolve this issue. There was one other council—I just cannot remember which it was now—that wrote to me alerting me of the possibility of this problem. In any event, Mitcham council put a succinct argument to us that this needed to be sorted out, and we agreed.

The situation at the moment is unnecessarily complicated for a council, the candidates and, most importantly, the voters, who would have a reasonable expectation that both of these vacancies can be filled in a single designated supplementary election, so we are dealing with them together. The proposed amendments resolve this issue by allowing the election to elect all vacancies in a single election where those vacancies have been created prior to the close of nominations in the supplementary election underway; where vacancies were created after the close of nominations for that election, the last excluded candidate may be appointed to the position so long as they are still willing and able. The councils will be able to use this method for vacancies within 12 months of a supplementary election.

This is a neat, sensible way to resolve it and I indicate that, whilst the member for Waite has sought to address this matter—and I think that is certainly meritorious—on the advice I have it is important to be able to have subparagraph (ii)(B) in the terms that we have provided to facilitate this circumstance. This is no reflection on the member for Waite's amendment generally, but I am advised this is the more complete way to resolve this issue that is faced by the Mitcham council in particular.

Mr DULUK: Deputy Premier, no reflection at all given; of course, it comes from the same drafting place. It is quite timely, in fact, that this amendment has been put today and we are debating it, because it is just this evening in terms of the second supplementary election in the Gault Ward within the City of Mitcham that Coralie Cheney has been provisionally elected on this basis. Essentially, within the City of Mitcham we have seen two elections held within a three-month period.

Regarding both my original amendments and the ones that have been further taken on board by the Attorney, in her proposed amendments, I foreshadow that if the Attorney's amendments get up as proposed—amendments Nos 1, 2 and 3—then I will withdraw my amendments, including my amendment No. 3, which is consequential on my amendments Nos 1 and 2 getting up.

This is an issue that was brought to me by the City of Mitcham, and I thank the LGA for their support, especially Mayor Telfer as head of the LGA, and Mr Andrew Lamb, on their—

The CHAIR: Member for Waite, if I can interrupt, are you actually moving anything at this stage or are you—

Mr DULUK: No, I am speaking to—

The CHAIR: Okay; as long as we are clear. I might ask you to speak into the microphone, please.

Mr DULUK: There are too many microphones here, sir. I thank the LGA for their support. It was interesting to note what has provisionally been put on the South Australian Electoral Commission website about voter participation in the second supplementary election; it is down on the first one. We can remove unnecessary costs to councils and to potential candidates, and the election process will be a more streamlined version.

In a way, for those who want to follow this one, the best thing is to get out a piece of paper, draw dates and timings in terms of when rolls close and the like, as is outlined in the amendment. It certainly has my support, as well as the LGAs, and, as I said, I will withdraw my amendments and support the Attorney's as listed.

The Hon. V.A. CHAPMAN: Chair, I wonder whether I should move my amendments Nos. 1, 2 and 3 en bloc. That will cover the issues that have been raised by the member for Waite. If it is the will of the committee I would be happy to do that.

The CHAIR: We believe that is a practical solution here. The member for Waite is indicating that he is not proceeding with his motion. Attorney-General, you are going to move all three?

The Hon. V.A. CHAPMAN: I move:

Amendment No 1 [DepPrem–2]—

Page 86, lines 22 and 23 [clause 150(5), inserted paragraph (c)(ii)]—Delete subparagraph (ii) and substitute:

(ii) occurs—

(A) within 12 months after the conclusion of a periodic election or a designated supplementary election; or

(B) after the close of nominations for a designated supplementary election and before the conclusion of that election,

(and can be filled in accordance with section 6A) (the *subsequent vacancy*).

Amendment No 2 [DepPrem–2]—

Page 86, after line 32— Insert:

(7a) Section 6—after subsection (4) insert:

(4a) If, before the close of nominations for a designated supplementary election, another vacancy (the *subsequent vacancy*) occurs in the office of a member of the council (other than in the office of mayor), the subsequent vacancy may be filled by the designated supplementary election.

(4b) If the subsequent vacancy is to be filled by the designated supplementary election—

(a) the returning officer must give public notice that the vacancy will be filled by that election; and

(b) the material accompanying the voting papers to be issued under section 39 for the designated supplementary election must advise voters that the vacancy will be filled by that election.

Amendment No 3 [DepPrem–2]—

Page 86, after line 38 [clause 150(8)]—Insert:

(8) In this section—

designated supplementary election means—

(a) if the area of the council is not divided into wards—a supplementary election held to fill an office or offices of the council; or

(b) if the area of the council is divided into wards—a supplementary election held to fill an office or offices of the ward in which the subsequent vacancy has occurred.

Ms STINSON: The City of Mitcham, as many would know, falls across many state electorates, and one of those is Badcoe. This issue did not have to be raised with me because of the mere fact that, as a local resident, I realised they were having two by-elections straight off the back of each other. Obviously that not only created unnecessary expense, which quite a few ratepayers have raised with me, but also confusion because ratepayers have had one set of election materials for the Gault ward in their letterboxes and then that has been followed up only a few weeks later. They are left thinking, 'Hang on, I've already voted on this,' when it is actually an entirely separate second election for exactly the same ward.

I do support these amendments—particularly as a member with an interest in the City of Mitcham—but Labor more generally also supports these amendments. I might also pause for a moment and say that I understand the second by-election's count was completed this evening, and I would like to congratulate the lady who won—

Mr Duluk interjecting:

Ms STINSON: Coralie Cheney—thank you so much, member for Waite—who will be a new councillor in the City of Mitcham. Both the first and second by-elections were quite hotly contested, and I did enjoy going to the 'meet the candidates forum' that was held by the council. There were certainly a lot of passionate people who put up their hands, and I think they also should be congratulated on putting many weeks and even months of effort into putting themselves out there as representatives for our community. That is kind of good timing, considering that we are discussing this amendment.

It is certainly an amendment that I support. I do not have any particular questions in relation to it. I understand that both the City of Mitcham and the LGA have expressed their support. I hope that this will fix a rare but annoying problem that has eventuated for this council and certainly, were it not amended, could have posed problems for other councils, as well.

Amendments carried; clause as amended passed.

Clause 151.

The Hon. V.A. CHAPMAN: I move:

Amendment No 4 [DepPrem–2]—

Page 87, lines 10 to 13 [clause 151, inserted section 6A(2)(a)]—Delete paragraph (a) and substitute:

(a) the returning officer must, in accordance with the regulations, determine the candidate—

(i) in the most recent election for the relevant office; or

(ii) if a supplementary election is not to be held by virtue of the operation of section 6(2)(c)(ii)(B)—in the designated supplementary election referred to in that subsubparagraph,

to fill the vacancy (a *successful candidate*); and

This really relates to a continuation of the regime that is necessary to accommodate this peculiar circumstance for Mitcham.

The CHAIR: Member for Badcoe, do you wish to speak to this?

Ms STINSON: No, sir. I made some general statements already, so I do not wish to speak on the rest of the amendments in relation to this.

Amendment carried; clause as amended passed.

Clause 152 passed.

New clause 152A.

The Hon. V.A. CHAPMAN: I move:

Amendment No 5 [DepPrem–2]—

Page 88, after line 3—Insert:

152A—Amendment of section 8—Failure or avoidance of supplementary election

(1) Section 8—after subsection (1) insert:

(1a) If the returning officer declares the nominated candidate or candidates elected under section 25 but not all vacancies are filled, the council must appoint a person or persons (being an elector or electors for the area) to the office or offices that remain unfilled.

(2) Section 8(2)—after 'subsection (1)' insert:

or (1a)

I indicate that, similarly, this is to deal with the same necessary amendments to cover the Mitcham issue.

New clause inserted.

Clause 153.

The Hon. V.A. CHAPMAN: I move:

Amendment No 110 [DepPrem–1]—

Page 88, lines 8 to 10 [clause 153(2)]—Delete subclause (2) and substitute:

(2) Section 9(6)—delete subsection (6) and substitute:

(6) Voting at a poll will close at the time determined by the returning officer.

The Electoral Commission of South Australia (ECSA) has requested the close of voting at both polls and elections to be at the time determined by the returning officer. I seek the members' support on that.

Amendment carried; clause as amended passed.

Clause 154 passed.

Clause 155.

The Hon. V.A. CHAPMAN: I move:

Amendment No 111 [DepPrem–1]—

Page 88, lines 20 and 21 [clause 155(1)]—Delete subclause (1)

This is a technical amendment to clause 155(1). The bill proposes to close rolls 10 calendar days earlier than the current provisions, which mistakenly reduces the total period from 13 weeks or 91 days to 81 days. Following discussion with the Electoral Commissioner and at the Electoral Commissioner's request, this amendment will continue the current 13-week requirement in the act.

Amendment carried; clause as amended passed.

Clauses 156 to 158 passed.

New clause 158A.

The Hon. V.A. CHAPMAN: I move:

Amendment No 6 [DepPrem–2]—

Page 90, after line 11—Insert:

158A—Amendment of section 25—Uncontested elections

(1) Section 25—after subsection (1) insert:

(1a) If—

(a) after the close of nominations for a designated supplementary election and before the commencement of the issue of voting papers under section 39(1) for that election, another vacancy occurs in the office of a member of the council (other than in the office of mayor) (the *subsequent vacancy*); and

(b) it appears that the number of candidates nominated to contest the election does not exceed the number of persons required to be elected,

the returning officer must declare the nominated candidate or candidates elected.

(2) Section 25(2)—after 'subsection (1)' insert:

or (1a)

(3) Section 25—after subsection (2) insert:

(3) In this section—

designated supplementary election has the same meaning as in section 6.

This amendment is the concluding paragraph necessary to deal with the election vacancy issue aforementioned.

New clause inserted.

Clause 159 passed.

Clause 160.

The Hon. V.A. CHAPMAN: I move:

Amendment No 112 [DepPrem–1]—

Page 91, after line 13—Insert:

(2) Section 28—after subsection (2a) insert:

(2b) If the Supreme Court is satisfied beyond reasonable doubt on application by the Electoral Commissioner that published electoral material contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Court may order the publisher to do 1 or more of the following:

(a) withdraw the material from further publication;

(b) publish a retraction in specified terms and a specified manner and form.

This amendment has been requested by the Electoral Commissioner and it mirrors similar provisions under the Electoral Act 1985.

Amendment carried; clause as amended passed.

Clauses 161 to 164 passed.

Clause 165.

The Hon. V.A. CHAPMAN: I move:

Amendment No 113 [DepPrem–1]—

Page 91, lines 37 and 38 [clause 165(1)]—Delete subclause (1)

This is an amendment that is consequential on amendment No. 114.

Ms STINSON: I understand that this one relates to the next amendment, which is amendment No. 114. As I understand it, this one relates to assisted voting. Hopefully I am in the right place; the Attorney is nodding, thank you very much. I just wondered why this is being removed and where this will go or whether this is a consequence of ECSA taking over the process of local government nominations and elections. But I can see that the clause will be opposed in amendment No. 114, so maybe that is part of the answer. I am really after a bit of general explanation as to what this one is doing.

The Hon. V.A. CHAPMAN: My understanding is the reason this is in here is that the original indication was that there would be a provision for elections under the state Electoral Act. Because that has not been progressed, this gets dismantled as part of it. Otherwise, there would be an unfair, unreasonable burden on the councils to have to deal with that.

Ms STINSON: Thank you; I am glad I asked that question. In light of that response, is there an intention by the government to reinsert this dependent on what happens with the state level reforms? To add to that, obviously with assisted voting I do not think there would be too many people who would be opposed to some of the things that are being laid out here. I am wondering if it will be catered for here or in some other way. Will the parliament have to revisit this in future?

The Hon. V.A. CHAPMAN: It may have to. It is not something I have addressed at this point, but it is a reasonable question and we will see as we progress if that is necessary. It is not something that I would insist be put back in, or propose to be put back in, without consulting with the LGA and councils because, again, this could create extra expense for them that they may not want to have to meet.

Amendment carried; clause as amended passed.

Clauses 166 and 167 passed.

Clause 168.

The Hon. V.A. CHAPMAN: I move:

Amendment No 114 [DepPrem–1]—

Page 92, line 32 to page 94, line 22—This clause will be opposed

This comes to the substantive removal of dealing with assisted voting, which we already canvassed when we were dealing with the inconsequential matter.

Clause negatived.

Clauses 169 to 179 passed.

New clause 179A.

The Hon. V.A. CHAPMAN: I move:

Amendment No 115 [DepPrem–1]—

Page 100, after line 7—Insert:

179A—Amendment of section 82—Certain gifts not to be received

Section 82(3)(b)(i)—delete ', other than a registered industrial organisation'

This reflects a reasonable expectation that all campaign donations should be appropriately disclosed, regardless of the source of donation.

Ms STINSON: We will reserve our position on this and will get some more information about what this actually does for registered industrial organisations. I flag that if there is an issue here we will raise an amendment in the other place.

New clause inserted.

Clauses 180 to 188 passed.

Clause 189.

The Hon. V.A. CHAPMAN: I move:

Amendment No 7 [DepPrem–3]—

Page 102, after line 12—Insert:

(a1) Section 21—delete 'The' and substitute:

Subject to this Act, the

Amendment No 8 [DepPrem–3]—

Page 102, line 27 [clause 189(2), inserted paragraph (a)(vi)]—Delete 'advise' and substitute 'liaise with'

These are technical amendments which mirror the amendment proposed to section 25, namely, the specific role of the principal member under the Local Government Act.

Amendments carried; clause as amended passed.

Clause 190.

The Hon. V.A. CHAPMAN: I move:

Amendment No 116 [DepPrem–1]—

Page 103, lines 22 and 23 [clause 190, inserted paragraph (a)(ix)]—Delete:

'setting and assessing performance standards to be met' and substitute:

the oversight of the chief executive officer's performance

Amendment No 117 [DepPrem–1]—

Page 103, after line 26—Insert:

(2) Section 22(1)(b)—after 'ratepayers' insert:

of the Council

As per the amendments to section 59 of the Local Government Act, this proposed amendment is to clarify that all council members have responsibility to participate in the oversight of the CEO performance under the council's contract with the CEO, rather than a direct role in setting and assessing performance, as not all members may be directly involved in this task.

Amendments carried; clause as amended passed.

New clauses 190A and 190B.

The Hon. V.A. CHAPMAN: I move:

Amendment No 118 [DepPrem–1]—

Page 103, after line 26—Insert:

190A—Amendment of section 24—Allowances

(1) Section 24(1)—delete 'section' first occurring and substitute 'Act'

(2) Section 24(9)—delete 'under a scheme prescribed by the regulations'

(3) Section 24(13)—delete 'Minister from time to time after consultation with the President of the LGA and the President of the Tribunal' and substitute:

President of the Tribunal after consultation with the LGA

(4) Section 24—after subsection (13) insert:

(13a) The LGA may recover the reasonable costs incurred by the Remuneration Tribunal in making a determination under this section as a debt from the Council.

190B—Amendment of section 27—Role of chief executive officer

Section 27—after paragraph (j) insert:

(ja) to ensure that effective policies, systems and procedures are established and maintained for the identification, assessment, monitoring, management and annual review of strategic, financial and operational risks;

(jb) to report annually to the relevant audit and risk committee on the Council's internal audit processes;

This amendment ensures the City of Adelaide Act mirrors the amendments to section 76 of the Local Government Act relating to the determination of council member allowances and arrangements for the payment of a reasonable cost to the tribunal in making a determination.

New clauses inserted.

Clause 191.

The Hon. V.A. CHAPMAN: I move:

Amendment No 119 [DepPrem–1]—

Page 104, line 7 and 8 [clause 191(3)]—Delete subclause (3)

Amendment No 120 [DepPrem–1]—

Page 107, after line 38—Insert:

(17a) Schedule 1, clause 22, definition of *registered industrial organisation*—delete the definition

Amendment No 121 [DepPrem–1]—

Page 110, after line 7—Insert:

(23a) Schedule 1, clause 26(3)(b)(i)—delete ', other than a registered industrial organisation'

These are technical amendments to mirror amendment No. 11 to the Local Government (Elections) Act. Clause 191(3) of the bill proposes to close rolls 10 calendar days earlier than current provisions, which mistakenly reduced the total period from 13 weeks (91 days) to 81 days. Following discussion with ECSA, this amendment will continue with the current 13 weeks requirement in the act, and of course the Electoral Commissioner supports the retention of the current 13-week period. Amendment No. 121 proposes to remove 'registered industrial organisation' from section 26 of the City of Adelaide Act. The final amendment reflects the reasonable expectation that all campaign donations should be appropriately disclosed, regardless of the source of the donation.

Amendments carried; clause as amended passed.

Clauses 192 and 193 passed.

New clause 193A.

The Hon. V.A. CHAPMAN: I move:

Amendment No 122 [DepPrem–1]—

Page 111, after line 24—Insert:

Part 6A—Amendment of *Independent Commissioner Against Corruption Act 2012*

193A—Amendment of section 5—Corruption, misconduct and maladministration

Section 5(6)—delete subsection (6) and substitute:

(6) A reference in subsection (3) to a code of conduct does not include—

(a) any statement of principles applicable in relation to the conduct of members of Parliament; or

(b) the behavioural standards, a behavioural management policy or behavioural support policy, or the employee behavioural standards under the *Local Government Act 1999*.

(7) To avoid doubt, the integrity provisions of the *Local Government Act 1999* (within the meaning of section 4(1) of that Act) will—

(a) as they relate to members of councils, be taken to be a code of conduct for members of councils for the purposes of this Act; and

(b) as they relate to employees of councils, be taken to be a code of conduct for employees of councils for the purposes of this Act.

This amendment is requested by the former Independent Commissioner Against Corruption and is also supported by the Ombudsman. It is necessary to clarify that council member and employee integrity provisions are taken to be a code of conduct for the definition of misconduct under the ICAC Act, whereas behavioural standards and council behavioural support management policies are not. This will help to ensure that behavioural matters are not referred to the Office for Public Integrity but to the relevant council for resolution and also that integrity matters are considered as misconduct.

New clause inserted.

Clauses 194 to 197 passed.

Clause 198.

The Hon. V.A. CHAPMAN: I move:

Amendment No 123 [DepPrem–1]—

Page 112, line 19 [clause 198(1), inserted subsection (1)(a)]—After 'body' insert:

and the controls exercised by a publicly funded body in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities

Amendment No 124 [DepPrem–1]—

Page 113, line 2 [clause 198(4), inserted subsection (1c)]—After 'provided' insert:

by the Auditor-General or an authorised officer

Amendment No 125 [DepPrem–1]—

Page 114, line 2 [clause 198(8), inserted subsection (4)]—After 'body' insert:

, publicly funded project or local government indemnity scheme

Amendments Nos 123, 124 and 125 are all technical amendments that I think were initiated by the Auditor-General.

Amendments carried; clause as amended passed.

Clause 199 passed.

New clause 199A.

The Hon. V.A. CHAPMAN: I move:

Amendment No 126 [DepPrem–1]—

Page 114, after line 28—Insert:

199A—Amendment of section 36—Auditor-General's annual report

(1) Section 36(1a)—after 'documents' insert:

or information (including data)

(2) Section 36(3)—after 'documents' insert:

or information (including data)

(3) Section 36(4)—after 'A document' insert:

or information (including data)

(4) Section 36(4)—after 'the document' wherever occurring insert in each case:

or information (including data)

This is a technical amendment requested also by the Auditor-General.

New clause inserted.

Remaining clause (200) and title passed.

Bill reported with amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (21:28): I move:

That this bill be now read a third time.

I wish to thank all members of the committee and also of the parliament who made a contribution to the consideration of this matter. I wish the bill safe and successful passage through the other place. I note that the opposition have indicated that there may be some matters where they may consider amendment, but I think it is fair to say that the members of the LGA on behalf of a number of the councils have put in a lot of work over the last two years to bring together a number of these reforms. I congratulate them on that. I thank the former minister for advancing a very lengthy consultation process to ensure that this be done as best as it could be done.

Other issues that were otherwise dormant have become awakened during this process and I wish to briefly reference them. One relates to the rating of electricity generators. This arises out of the fact that a number of generators, for solar and wind in particular, are operating in our regions of

South Australia in the South-East, the Mid North and even over in your region, Deputy Speaker. The question is whether the electricity generators and/or landowners who operate these facilities ought to be making a contribution to local government, in particular their local councils. It is a matter about which I have opened the discussion with the Local Government Association and various pertinent mayors who have this issue in their districts. They have alerted me to a model that operates in Victoria.

I note that if there is to be any rating on somebody or a party related to these energy generators, it would require amendments to the Electricity Corporations (Restructuring and Disposal) Act 1999. This is an act I do not think I have even read, but it is one which is committed to the Treasurer, because I regulate everything and he taxes everything, so he gets the responsibility for this piece of legislation. I have also had with me the helpful advice of the Minister for Energy who is very cognisant of this issue. So I have indicated that we will progress discussions in relation to this. I propose working up generally a proposal to go to the Treasurer so that I can discuss the matter with him. If we can come to some resolution on how we advance that, we will continue to work on that.

The second matter that has been raised is the question of online voting. Both the LGA and at least one council have raised with me this question of online voting. I would have to say that the Adelaide City Council has a rather complicated process of registration of the voters, let alone voting. They seem to need a lot of help in relation to reforms that they will probably need. But, again, we will have a look at this.

I have referred anyone who has been interested in this option to have discussions with the Electoral Commissioner. He is responsible for all the electoral matters and he does keep an eye on all jurisdictions that develop electronic voting, electronic aids for voting and online voting. These are all initiatives which are in various areas of either embryonic or mature advancement around the world, so it is something we clearly have to look at.

We only have to look at the presidential election in the United States and the Florida disaster when they tried to use computer printed forms. I think they ended up in the Supreme Court for about three or four months in the United States and there was no president for a long time. In any event, we need to keep an eye on those things and we are happy to see how we might be able to remain in the 21st century with these things. We will look at those technical changes and have further conversations with the Electoral Commissioner.

With that, I do not think I can add anything other than to congratulate the whole of the local government sector and its members. It is a great new portfolio to be in. I feel very proud to have responsibility in relation to this area and to oversee what I think have been long-awaited reforms and I wish local government well with the swift passage of this bill.

The DEPUTY SPEAKER: Does the member for Badcoe wish to speak?

Ms STINSON (Badcoe) (21:33): I do wish to speak. Thank you, sir. I will try to be as quick as I can considering the hour, but there were a few things I wanted to say. At the end of all this, of course, we have ended up with a bill that is remarkably different from what it looked like three weeks ago for all the reasons I detailed in my earlier contributions.

Local government is a vital level of government. I, of course, am a very new shadow minister but I am already enjoying working in this area and I look forward to continuing to examine the issues that have been brought to light by this bill and by the broader consultation that we, as a Labor team, have been doing. Obviously, in my role as the shadow, I will continue to look at what improvements can be made and how we can, as an opposition—and, hopefully, maybe in the future as a government—contribute to ensuring that local government is run in the best possible way it can be with the best possible level of service for ratepayers.

I want to thank the LGA. They have been incredibly helpful to me in getting across a very complex bill in a very short period of time. They have spent some considerable time with me explaining their perspective in relation to a number of these amendments. In particular, Matt Pinnegar, the outgoing president Sam Telfer—whom I wish all the best—and Andrew Lamb have really gone out of their way for me, and also for the former shadow minister and for other members of our team, in explaining what all this actually means to their members.

I do congratulate them. I congratulate them very warmly on their very persuasive arguments which they have put to me and members of my team and which have certainly had an impact on this government. As I mentioned, we have seen quite a change over the last few weeks in relation to a large volume of amendments that have been put. I congratulate them on the fine work that they do for their membership.

I would also like to thank the ASU and AWU representatives, Abbie Spencer and Peter Lamps, who have also given me a lot of their time, particularly in relation to the amendments to do with workers' rights and what council workers should expect in their workplaces, and the important protections that we as a parliament should be providing to them. I thank them for their work on behalf of their members as well.

I would like to also thank the many CEOs and mayors, whom I will not name, who have approached me, many to congratulate me on my appointment only recently and also to give me their perspectives about particular elements of the bill and the amendments. I look forward to working with all of them, both those four councils that are within my electorate of Badcoe and also, much more broadly, the 68-plus councils across South Australia.

I would also like to thank the department and ministerial staff, who have put a lot of effort into this. I thank them for at least trying to answer some of my maybe silly questions and a lot of my very detailed questions in several briefings that we have had. I make special mention—because I think she does deserve special mention—of Alex Hart, who is a complete and utter gun and so impressive when it comes to local government legislation. I thank her for the many hours she has put in over the months and even years in relation to this.

I would also like to thank Tony Piccolo and his staff. He was, obviously, the shadow minister for local government before me and has been incredibly helpful to me. Obviously, he is out there now fighting the good fight to win the seat of Schubert. I can see now, having gone through all of this, why he may not have some spare moments in his day to do both this and campaigning in a very difficult to win seat, so I wish him all the best.

I would also like to thank the Electoral Reform Society for meeting with me and presenting their views. Last, but absolutely and certainly not least, I would like to thank Brigid Mahoney and Grace Nankivell in my office, who have done a splendid job getting their head around a very difficult area. It has been a baptism of fire, but they have done an excellent job and I am so lucky to have them.

Bill read a third time and passed.

At 21:39 the house adjourned until Wednesday 14 October 2020 at 10:30.

Answers to Questions

EPLANNING SYSTEM

162 Ms STINSON (Badcoe) (21 July 2020). With regards to the new ePlanning system:

(a) What training has been offered to industry?

(b) What sort of training was offered (e.g. inperson, online)?

(c) Where was the training located?

(d) How many people participated in the training?

(e) When was the training held?

(f) Is any more training scheduled?

(g) Are there any plans to arrange further training?

(h) Has the department or minister received any feedback from industry about the quality, frequency or usefulness of the training, or any suggestions for changes?

(i) When will the new ePlanning system go live?

(j) Will industry have access to the complete ePlanning system, populated with accurate data, ahead of the system going live? If not, why not? If yes, when will access be available?

(k) Has the minister or department assisted industry groups such as the HIA or MBA to run training sessions on the ePlanning system? If not, why not? If so, can you please provide details?

(l) What notification about the commencement of the ePlanning system has been delivered to builders, architects, developers and others in the industry? When was this distributed?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): I have been advised that:

(a) Industry specific training has been provided in line with an agreed approach with each of the relevant peak industry groups including—

- Housing Industry Association
- Master Builders Association
- Australian Institute of Building Surveyors
- Spatial Sciences and Surveying Institute
- Planning Institute of Australia

This industry training has consisted of—

- Live and interactive demonstrations of the ePlanning system and tailored to audience requirements.
- Availability of training videos and guides on PlanSA.
- Access to the planning system training environment.
- A series of ongoing webinars covering the various functions of the system.

(b) Due to COVID-19 restrictions, the vast majority of training has taken place over video conferencing. A series of videos were produced that were made available via the SA planning portal and a dedicated industry collaboration site.

(c) As per above, most training has occurred online with some sessions taking place face to face in various Adelaide locations.

(d) Approximately a thousand industry members have participated in training across the various groups to date.

(e) The training program began in March 2020 and continued post going live.

(f) The phase 2 training schedule included a series of webinars that invited members of the community, as well as industry groups and councils to participate in training sessions.

A training syllabus was made available on the SA planning portal (PlanSA) and included training videos, guides and webinars.

(g) Training for industry was focussed close to phase two launch for regional groups. Training is best done four-six weeks before the new system commenced. Training will continue throughout the year, with a focus on

the needs of phase three councils and industry groups, now that the phase two program has been implemented. However, regional visits are planned over the coming months to deliver supplementary training to councils.

(h) The Attorney-General's Department (AGD) receives regular feedback in regards to the sessions held and necessary adjustments are made accordingly.

(i) Phase 2 (rural areas) of the ePlanning system went live on Friday 31 July 2020.

Phase 3 (Urban Areas) will go-Live next year, a specific date is yet to be set.

(j) On 29 June 2020, the Planning and Design Code was made available to the general public for familiarisation purposes ahead of the go-Live date of 31 July 2020. A training system was also made available for users to become familiar with the development application process ahead of going live.

(k) Training sessions with peak bodies have been held, recognising that applicants and builders need an operating knowledge of the new system. This was timed to occur close to phase two going live to ensure that the knowledge learnt can then be applied and remembered. Ongoing support past going live was available through a professionally staffed help desk.

(l) Regular communications have been issued to key stakeholders in the form of correspondence from the Chair of the State Planning Commission and via various newsletters and social media campaigns.

DISABILITY SA

212 Ms COOK (Hurtle Vale) (9 September 2020). How many Disability SA staff were made redundant or given voluntary separation packages for:

(a) 2018-19 financial year?

(b) 2019-20 financial year?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

I refer the Member to my answer to question with notice number 213 and 214.

DISABILITY SA

213 Ms COOK (Hurtle Vale) (9 September 2020). Of the Disability SA staff made redundant or given voluntary separation packages in 2018-19:

(a) What levels were each of those staff; and

(b) How many years were each employed by Disability SA?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

(a)

Levels	TVSP/VSP
ASO1 to MAS3	96
AHP1 to AHP3	24
OPS1 to OPS7	43
PO1, PO3	7
DISO2	6
WHA2 to WHA7	15

(b)

Years of Service	TVSP/VSP
0-4	3
5-9	39
10-19	77
20-29	33
30-39	30
40-49	9

DISABILITY SA

214 Ms COOK (Hurtle Vale) (9 September 2020). Of the Disability SA staff made redundant or given voluntary separation packages in 2019-20:

(a) What levels were each of those staff; and

(b) How many years were each employed by Disability SA?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

(a)

Levels	TVSP/VSP
ASO2 to ASO8	31
AHP1 to APH4	19
OPS2 to OPS7	11
PO1	3
ENDP06, RN01, RN2A, RN2C, RN4A	28
DIS01 to DIS02	14
WHA2 to WHA3	21
WMFM3 to WMFM4, WMF06	7
WSE4	1

(b)

Years of Service	TVSP/VSP
0-4	1
5-9	36
10-19	47
20-29	27
30-39	20
40-49	4

COMMUNITY CRIME PREVENTION PROGRAMS MANUAL

215 Mr ODENWALDER (Elizabeth) (9 September 2020). Can the minister provide an update on the status of the review into the Community Crime Prevention Programs Manual?

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services): I am advised by South Australia Police (SAPOL):

It is anticipated that the review of the Community Crime Prevention Programs Manual will take place through the last quarter of the 2020-21 financial year.

BEETALOO RESERVOIR

216 Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (9 September 2020). In relation to the Beetaloo Reservoir:

(a) Are there plans to transfer management of the reservoir from SA Water to National Parks and Wildlife SA?

(b) If so, what is the reasoning behind the decision?

(c) How much money has been spent on maintenance of the land surrounding the reservoir by SA Water since 2010?

(d) What plans are or will be in place to ensure the same level of funding and maintenance is provided by National Parks and Wildlife SA?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water): The Marshall Liberal government recently launched the Parks 2025 investment strategy, a collection of investment initiatives designed to build the capacity of national parks across our state to conserve our natural landscapes and wildlife, boost the state economy and strengthen local communities.

The strategy includes a project to establish a new adventure-based tourism destination in the Southern Flinders Ranges. This includes linking and constructing new nature-based tourism facilities across Mount Remarkable National Park, Telowie Gorge, Wirrabara Range, Spaniards Gully Conservation Park and Beetaloo Reservoir Reserve.

Associated with the delivery of Parks 2025, consideration will be given to the most appropriate management arrangements for Beetaloo Reservoir Reserve.

I am advised that from July 2010 until June 2020, approximately $2.4 million has been spent on land management activities in Beetaloo Reservoir Reserve including prescribed burning and other fire management activities, track maintenance, fencing, pest animal and weed control, and habitat improvement works. There is year-to-year variation in money spent due to the annual variability of financially significant activities such as prescribed burning.

HOUSING AUTHORITY

217 Ms COOK (Hurtle Vale) (23 September 2020). Can the minister detail, broken down 'suburb by suburb', state-wide all SA Housing Authority properties containing solar panels and those planned to have solar panels installed under the recently accounted scheme extension?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

There are 2,036 solar PV systems installed on SA Housing Authority properties. The installations are a combination of systems installed by the SA Housing Authority, SA virtual power plant (VPP) phases 1 and 2 and tenant approved installations.

Under phase 3 of the SA VPP, an additional 3,000 installations are proposed. The SA Housing Authority has assessed over 4,600 properties that maybe suitable for a solar PV system. Invitations to be part of phase 3, will be sent to tenants to arrange an inspection to ascertain whether their property is suitable.

Solar PV Systems Installed as at September 2020	
Suburb	Number
Aberfoyle Park	16
Adelaide	87
Albert Park	2
Alberton	2
Aldinga Beach	1
Andrews Farm	4
Angle Park	16
Ascot Park	3
Athelstone	1
Athol Park	13
Birkenhead	7
Blair Athol	14
Blakeview	2
Bowden	2
Brahma Lodge	2
Broadview	10
Brompton	7
Brooklyn Park	1
Burton	13
Camden Park	2
Campbelltown	14
Cheltenham	1
Christie Downs	44
Christies Beach	1
Clare	1
Clarence Park	1
Clearview	5
Collinswood	1
Cowandilla	2
Craigmore	16
Croydon	1
Croydon Park	9
Darlington	7
Davoren Park	6
Daw Park	1
Devon Park	5
Dover Gardens	20
Dudley Park	12
Edwardstown	17
Elizabeth	1
Elizabeth Downs	6
Elizabeth East	13
Elizabeth Grove	3
Elizabeth North	11
Elizabeth Park	37
Elizabeth South	13
Elizabeth Vale	2
Enfield	15
Ethelton	6
Evanston	7
Evanston Gardens	4

Solar PV Systems Installed as at September 2020	
Suburb	Number
Evanston Park	2
Exeter	1
Felixstow	1
Ferryden Park	38
Findon	25
Flinders Park	1
Forestville	2
Fulham	1
Gawler East	4
Gawler West	8
Gilles Plains	21
Glandore	7
Glanville	2
Glengowrie	1
Glossop	1
Glynde	1
Golden Grove	31
Goodwood	3
Goolwa North	1
Grange	5
Greenacres	13
Greenwith	33
Hackham	6
Hackham West	29
Hackney	1
Hampstead Gardens	1
Happy Valley	3
Hectorville	7
Hendon	1
Hillcrest	17
Holden Hill	2
Hope Valley	3
Hove	1
Huntfield Heights	28
Ingle Farm	13
Kadina	1
Kapunda	2
Kensington Park	1
Keswick	2
Kidman Park	6
Kilburn	7
Kilkenny	2
Klemzig	14
Kurralta Park	2
Largs Bay	5
Largs North	1
Lightsview	1
Lower Mitcham	1
Magill	5
Mannum	3
Mansfield Park	10
Marion	1
Maylands	1
McLaren Vale	1
Mile End	13
Millicent	1
Mitchell Park	6
Modbury	3
Modbury Heights	6
Modbury North	1
Morphett Vale	105
Morphettville	19
Mount Barker	35
Mount Gambier	9
Munno Para	41
Murray Bridge	36

Solar PV Systems Installed as at September 2020	
Suburb	Number
Nailsworth	1
Nairne	1
Newton	3
Noarlunga Downs	40
North Adelaide	45
North Brighton	1
North Plympton	4
Northfield	15
Norwood	1
Novar Gardens	9
Nuriootpa	5
Oakden	2
Oaklands Park	5
Osborne	10
O'Sullivan Beach	2
Ottoway	8
Ovingham	3
Para Hills West	13
Para Vista	10
Paradise	4
Parafield Gardens	57
Paralowie	26
Park Holme	6
Pasadena	1
Pennington	2
Peterhead	8
Plympton	1
Plympton Park	62
Pooraka	23
Port Adelaide	8
Port Augusta	2
Port Lincoln	16
Port Pirie West	1
Prospect	10
Queenstown	10
Renmark	3
Renown Park	6
Reynella	2
Reynella East	9
Risdon Park	1
Risdon Park South	1
Rosewater	5
Rostrevor	2
Royal Park	10
Salisbury	11
Salisbury Downs	46
Salisbury East	15
Salisbury North	22
Salisbury Park	12
Salisbury Plain	5
Seacliff Park	1
Seacombe Gardens	18
Seaford	4
Seaford Meadows	1
Seaford Rise	21
Seaton	10
Semaphore	1
Semaphore Park	32
Smithfield	23
Smithfield Plains	20
Somerton Park	4
South Brighton	6
South Plympton	7
St Agnes	1
St Marys	2
Stirling North	1

Solar PV Systems Installed as at September 2020	
Suburb	Number
Strathalbyn	1
Sturt	9
Surrey Downs	10
Tanunda	3
Taperoo	24
Thebarton	5
Torrensville	7
Tranmere	4
Trinity Gardens	1
Walkerville	1
Walkley Heights	8
Wallaroo	2
Warradale	1
West Croydon	2
West Hindmarsh	4
West Lakes	8
West Richmond	3
Whyalla	2
Whyalla Jenkins	3
Whyalla Norrie	8
Whyalla Stuart	10
Willaston	5
Windsor Gardens	3
Woodcroft	6
Woodville Gardens	4
Woodville North	1
Woodville Park	2
Woodville South	1
Woodville West	5
Wynn Vale	30
TOTAL	2,036

Potential Solar PV Installations—subject to expression of interest and property suitability	
Suburb	Number
Aberfoyle Park	15
Albert Park	5
Alberton	3
Aldinga Beach	13
Allenby Gardens	4
Andrews Farm	21
Angle Park	58
Ascot Park	41
Ashford	2
Athol Park	3
Barmera	3
Berri	16
Birkenhead	12
Blackwood	14
Blair Athol	41
Blakeview	13
Bowden	10
Brahma Lodge	8
Broadview	37
Brompton	4
Brooklyn Park	5
Burton	28
Camden Park	5
Campbelltown	29
Ceduna	7
Christie Downs	2
Christies Beach	7
Clapham	1
Clarence Gardens	2
Clarence Park	1
Clearview	6

Potential Solar PV Installations—subject to expression of interest and property suitability	
Suburb	Number
Clovelly Park	8
Collinswood	1
Colonel Light Gardens	7
Cowandilla	14
Craigmore	3
Croydon	4
Croydon Park	24
Cumberland Park	2
Darlington	26
Davoren Park	10
Daw Park	13
Devon Park	44
Dover Gardens	47
Dudley Park	10
Edwardstown	110
Elizabeth Downs	14
Elizabeth East	10
Elizabeth Grove	1
Elizabeth North	44
Elizabeth Park	63
Elizabeth South	15
Elizabeth Vale	11
Enfield	12
Ethelton	4
Evanston	18
Evanston Gardens	4
Everard Park	2
Exeter	1
Felixstow	1
Ferryden Park	153
Findon	25
Flagstaff Hill	2
Flinders Park	4
Forestville	1
Fulham	9
Gawler West	26
Gepps Cross	1
Gilles Plains	103
Glandore	31
Glanville	4
Golden Grove	170
Goodwood	7
Greenacres	31
Greenwith	204
Hackham West	1
Hampstead Gardens	20
Hectorville	37
Hendon	15
Hillcrest	67
Hilton	5
Holden Hill	61
Hope Valley	1
Hove	16
Huntfield Heights	13
Hyde Park	1
Ingle Farm	24
Jerusalem	1
Kadina	21
Kapunda	1
Kensington	1
Keswick	3
Kidman Park	8
Kilburn	59
Kilkenny	1
Kingscote	5
Kingswood	2

Potential Solar PV Installations—subject to expression of interest and property suitability	
Suburb	Number
Klemzig	28
Kurralta Park	12
Largs Bay	8
Largs North	10
Lightsview	4
Littlehampton	1
Loxton	1
Magill	44
Manningham	1
Mannum	1
Mansfield Park	13
Marion	9
Marleston	2
Melrose Park	2
Mile End	22
Mile End South	2
Mitchell Park	6
Modbury Heights	10
Modbury North	3
Moonta	4
Moonta Bay	4
Morphett Vale	132
Morphettville	46
Mount Barker	74
Mount Gambier	46
Munno Para	131
Munno Para West	2
Murray Bridge	49
Nailsworth	2
Nairne	3
New Town	1
Newton	11
Noarlunga Downs	63
North Brighton	10
North Haven	11
North Plympton	3
Northfield	27
Northgate	4
Norwood	1
Nuriootpa	8
Oakden	5
Oaklands Park	24
O'Halloran Hill	8
Old Reynella	3
Osborne	31
O'Sullivan Beach	17
Ottoway	2
Para Hills West	2
Para Vista	7
Parafield Gardens	108
Paralowie	34
Park Holme	35
Parkside	3
Pasadena	10
Pennington	9
Peterhead	17
Plympton	3
Plympton Park	30
Pooraka	97
Port Adelaide	6
Port Augusta	62
Port Augusta West	3
Port Lincoln	48
Port Noarlunga	2
Port Pirie	3
Port Pirie South	1

Potential Solar PV Installations—subject to expression of interest and property suitability	
Suburb	Number
Port Pirie West	2
Prospect	11
Queenstown	1
Renmark	16
Renown Park	10
Reynella	2
Richmond	6
Ridgehaven	5
Ridleyton	1
Risdon Park	18
Risdon Park South	2
Rosewater	6
Royal Park	43
Salisbury	25
Salisbury Downs	22
Salisbury East	5
Salisbury North	138
Salisbury Plain	1
Seacombe Gardens	70
Seaford	38
Seaford Meadows	23
Seaford Rise	153
Seaton	41
Semaphore Park	1
Smithfield Plains	31
Somerton Park	7
South Brighton	19
South Plympton	25
St Marys	17
Stirling North	2
Sturt	37
Surrey Downs	19
Taperoo	79
Thebarton	5
Thevenard	5
Tonsley	6
Torrensville	13
Tranmere	4
Underdale	2
Unley	9
Valley View	1
Waikerie	2
Walkley Heights	45
Wallaroo	23
Warradale	6
West Croydon	7
West Hindmarsh	1
West Richmond	5
Whyalla Jenkins	1
Whyalla Norrie	13
Whyalla Stuart	4
Willaston	2
Windsor Gardens	7
Wingfield	2
Woodcroft	43
Woodville	4
Woodville Gardens	34
Woodville South	5
Woodville West	44
Wynn Vale	56
TOTAL	4,677

LYELL MCEWIN HOSPITAL, MUNA PAENDI CLINIC

In reply to **Ms BEDFORD (Florey)** (9 September 2020).

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

In March 2020, the Northern Adelaide Local Health Network (NALHN) Critical Care discussed with Watto Purrunna Aboriginal leadership group strategies to improve access to essential COVID-19 testing for both Aboriginal and non-Aboriginal people in the northern suburbs. In the spirit of reconciliation, Muna Paiendi was highlighted as a potential site to facilitate COVID-19 testing.

It was during this due diligence process that NALHN received a request on 9 March 2020, from the Department for Health and Wellbeing public health team to expedite the opening of the state's second COVID-19 testing clinic. The clinic was opened later that day. The 9 March 2020 was a public holiday; therefore, Aboriginal consumers and stakeholders were informed and consulted on the next business day.

During the temporary relocation of Muna Paiendi, services were relocated from the Elizabeth Vale site at Lyell McEwin Hospital to other Watto Purrunna Aboriginal Primary Health Care sites at Maringga Turtpandi at Hillcrest and Wonggangga Turtpandi at Port Adelaide, to ensure continuity of service delivery.

Resources were aligned and an Aboriginal driver was allocated to the northern suburbs, as well as additional taxis funded, to transport our Aboriginal consumers from the Muna Paiendi catchment area to the Aboriginal health sites at Hillcrest and Port Adelaide. Telehealth services were also increased.

The NALHN Aboriginal Consumer Reference Group was kept informed and is consulted on an ongoing basis.

No impact on clinical care was reported.

In consultation with the NALHN Aboriginal Consumer Reference Group and following a Kaurna welcome to country and smoking ceremony, the new COVID-19 testing site was commissioned at the Lyell McEwin Hospital, and full services resumed at Muna Paiendi on Monday 6 July 2020.

INFRASTRUCTURE AUSTRALIA

In reply to **Mr DULUK (Waite)** (10 September 2020).

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing): I have been advised:

The Department for Infrastructure and Transport works closely with Infrastructure SA which has submitted projects to Infrastructure Australia for assessment as part of the Infrastructure Priority List.