LEGISLATIVE COUNCIL

Tuesday, 18 November 2014

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:17 and read prayers.

The PRESIDENT: We acknowledge that this land we meet on today is the traditional land of the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Reports, 2013-14—
- District Councils—
  - Cleve
  - Grant
- Rural City of Murray Bridge

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago)—

Reports, 2013-14—
- Administration of the Development Act 1993
- Architectural Practice Board of South Australia
- Controlled Substances (Drug Detection Powers) Act 2008
- Courts Administration Authority
- Criminal Investigation (Covert Operations) Act 2009
- Department of the Premier and Cabinet
- Freedom of Information Act 1991
- Legal Practitioners Conduct Board
- Listening and Surveillance Devices Act 1972
- Office of the Public Advocate
- SA Metropolitan Fire Service Superannuation Scheme
- South Australian Parliamentary Superannuation Scheme
- Southern Select Super Corporation
- State Coroner
- State Emergency Management Committee
- Super SA Board
- Technical Regulator—Electricity
- Technical Regulator—Gas
- Terrorism (Preventative Detention) Act 2005

Regulations under the following Acts—
- Director of Public Prosecutions Act 1991—Powers of Director
- Southern State Superannuation Act 2009—Voluntary Insurance
- Summary Offences Act 1953—Prohibited Weapons

By the Minister for Business Services and Consumers (Hon. G.E. Gago)—

Regulations under the following Act—
- Liquor Licensing Act 1997—Dry Areas—
  - Arno Bay—Robe—Spalding
  - Mannum

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Reports, 2013-14—
Animal Welfare Advisory Committee
General Reserves Trust
Stormwater Management Authority
Regulations under the following Act—
Fisheries Management Act 2007—
Prawn Fisheries
Prescribed Fishing Activities

Ministerial Statement

CHINA-AUSTRALIA FREE TRADE AGREEMENT

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:20): I table a copy of a ministerial statement relating to the China-Australia free trade agreement made by the Hon. Jay Weatherill.

SITE CONTAMINATION, CLOVELLY PARK AND MITCHELL PARK

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:20): I seek leave to make a ministerial statement entitled 'Update on site contamination at Clovelly Park and Mitchell Park'.

Leave granted.

The Hon. I.K. HUNTER: In early July this year, 40 homes in Clovelly Park received updated information from the EPA, Housing SA and SA Health regarding ongoing investigations into site contamination in the area. Further to these communications, on 17 July, the EPA informed 1,400 property owners and tenants in Clovelly Park and Mitchell Park that a comprehensive testing program would take place in the area. At that time, the community made it clear that they expected more from the government: they wanted clear and accessible information about the testing program, potential impacts to their health and the health of their families and what this all meant for the future of their homes. The government has responded and has been working diligently to meet the needs of the community.

Information has been provided and continues to be provided to the community through a range of media, including monthly newsletter-style updates, face-to-face discussions, community meetings and a dedicated project website. Members of the Clovelly Park and Mitchell Park environmental management project team are available to the community 24/7 through an information hotline and email service. To date, five community reference group meetings have been held. These meetings allow community members to voice their concerns and have their questions answered by the project team and experts from across government, including representatives from the EPA, SA Health and the Valuer-General.

On 6 November, Professor Brian Priestly, a human health risk assessment expert from Monash University, was introduced to the community reference group. Professor Priestly is one of the nation's pre-eminent toxicologists and has significant experience working with communities facing complex health and environmental issues. Professor Priestly has been engaged by the project team as an independent scientific expert and will be available for one-on-one meetings with members of the community and at community meetings over the coming months.

Further, the project team, working collaboratively with scientific experts from the EPA and SA Health, has facilitated the development of an indoor air levels action framework. This framework indicates what the health risk is when certain levels of TCE are detected and also what action is recommended be taken. The EPA's testing program remains on track to deliver raw data by late November and a vapour intrusion risk assessment (VIRA) in the first week of December. The VIRA

will provide the results of soil, soil vapour, groundwater and on-site modelling, which will allow indicative air level numbers to be allocated to different areas.

In July 2014, the government committed to implement a voluntary relocation plan to relocate tenants of 23 Housing SA properties in Clovelly Park by the end of the year. The government's advice to residents was that, in an abundance of caution, residents had the option to relocate whilst further testing was undertaken. Residents of 10 homes have now been relocated, with residents of a further eight homes to relocate in the next three weeks, I am advised. Housing SA has identified appropriate alternative homes for the residents of the remaining homes. I understand that these tenants, including four who have indicated they do not wish to relocate, have been offered properties that fit their stated requirements. Housing SA staff are continuing to work with the tenants to advance their relocation.

The two owners of private properties within the relocation area are in ongoing discussions with the government regarding relocation options and, to ensure the community is provided with up-to-date information, the project team is holding a public information session on Sunday 23 November at Club Marion, 262 Sturt Road, Marion. I understand that more than 200 people have registered their attendance at one of three sessions being held at 11am, 1pm and 3pm. The project team, Professor Priestly and experts from the EPA and SA Health will also be available from 10am to 5pm for community members to drop in. The government will continue to work with the Clovelly Park and Mitchell Park communities to ensure they receive timely and clear information and that any questions or concerns are answered.

Question Time

EYRE PENINSULA GRAIN GROWERS RAIL FUND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking the minister representing the Minister for Agriculture a question about the Eyre Peninsula Grain Growers Rail Fund.

Leave granted.

The Hon. D.W. RIDGWAY: I think it was in about 2006 that this fund was established, and it raised in excess of $2 million from growers in what was a much larger fund, with industry and government contributing to the rest of the fund. The fund was to assist with the upgrade of the Eyre Peninsula rail system. Of course, we had good seasons in 2010-11, which meant that the fund exceeded its target by approximately $500,000. The regulations that established the fund allowed the Minister for Agriculture, Food and Fisheries to apply the surplus to projects that benefit the Eyre Peninsula grain growers.

I am advised that the minister of the day—I think it was the Hon. Gail Gago at the time—surveyed Eyre Peninsula grain growers to ascertain their preferences on how the balance should be distributed. However, I am also advised that the results of this survey have never been released. I have recently been contacted by a number of growers who paid into that fund to seek further information on exactly what the results of that survey were. My question to the minister today is: will the minister provide a copy of those survey results to this chamber?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:26): I thank the honourable Leader of the Opposition in this place for his most important question to the Minister for Agriculture, Food and Fisheries. I undertake to take that question to him in the other place and seek a response on his behalf.

RADIOACTIVE WASTE

The Hon. J.M.A. LENSINK (14:26): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation regarding nuclear waste.

Leave granted.

The Hon. J.M.A. LENSINK: Earlier this year, the push to locate a national nuclear waste dump at Muckaty Station in the Northern Territory was abandoned. I understand that some

28 containers of nuclear waste, which are being returned back to Australia for storage, are due to arrive at the end of 2015, reigniting the search for a national storage facility. At the same time, South Australia has nuclear waste stored across a number of sites. My questions for the minister are:

1. Has the state government received any representations from the federal government regarding a national nuclear storage facility?

2. Has the state government made any advance on management of our own nuclear waste for South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:27): I thank the honourable member for her most important question. In regard to the first part of her question, I can only advise from my own knowledge. I am not quite sure if there has been an across-government approach from the federal government, but I am pretty sure in stating that no federal government representative has raised that with me, directly at least. That is all I can advise her on that part of her question.

In regard to the more general question she asks, I can make a few comments that may give her some comfort. Of course, we all know that radioactive waste resulting from medical, industrial and scientific use of radioactive material is currently stored at multiple locations throughout the state, and indeed across the nation. All jurisdictions, I am advised, currently manage their radioactive waste under their own legislative frameworks. I can recall, when I used to work with radioactive materials myself in another life at a certain hospital in this state, that we were charged with the responsibility of upholding all the requirements of the federal and state governments in terms of the handling of that radioactive material, and indeed storage.

The commonwealth government owns a large proportion of Australia's radioactive waste, while South Australia owns a very small proportion. The commonwealth government has made progress with options for the long-term management of Australia's radioactive waste with the passing of the National Radioactive Waste Management Act 2012. The commonwealth legislation establishes a framework for a radioactive waste management facility on volunteered land, to be found somewhere in the country. The Northern Territory Land Council, I think, have the first option under the legislation to nominate a site, but if that does not result in an agreed site then other landholders are able to volunteer a site, I understand.

The commonwealth department of resources, energy and tourism, now under the Department of Industry, has engaged a consultant on it, I am told, to develop concept designs for a national facility that will consist of a co-located repository for the disposal of low-level waste and a store for intermediate-level waste. It has been proposed that the construction of a facility designed to accommodate waste for 100 years would commence sometime this decade.

To ensure that the concept designs reflect Australia's current inventory, the Australian government wrote to the EPA and other regulators in Australia seeking advice on any radioactive waste holdings within our jurisdiction. The EPA requires owners of radioactive waste to provide annual updates of the waste being held so that the inventory of holdings can be maintained. The EPA, I understand, inspects significant waste holdings to ensure waste is stored safely and securely. I am informed that the waste currently stored throughout the state is done so in a very safe and secure manner indeed.

STATE BUDGET

The Hon. R.I. LUCAS (14:30): May I seek leave to make an explanation prior to directing a question to the leader on the subject of the state budget?

Leave granted.

The Hon. R.I. LUCAS: Last Wednesday, I put a question to the Leader of the Government about state budget issues. It related to a statement that Mr Koutsantonis had made in October of last year. As is the minister's wont, she sought to smear the reputation of hardworking members of the Legislative Council when she said, and I quote:

The Hon. G.E. Gago: Not other members, just you.

The PRESIDENT: The Hon. Mr Lucas has the floor.

The Hon. G.E. Gago: Just you; no-one else.

The PRESIDENT: Minister, let the Hon. Mr Lucas finish.

Members interjecting:

The PRESIDENT: Hon. Mr Lucas, go on.

The Hon. R.I. LUCAS: Thank you for your protection, Mr President.

The PRESIDENT: Pleasure.

An honourable member: Vigorous protection.

The Hon. R.I. LUCAS: Vigorous protection. The minister said, and I quote, in her response that the Hon. Mr Lucas had 'a notorious reputation for coming into this place and misleading this place with inaccurate information…' and then went on to say, 'I would firstly need to verify that the Hon. Tom Koutsantonis did, in fact, say those things…' I provided the minister on Thursday with a copy of an article written by Daniel Wills under the heading 'Libs to cut payroll tax' on 28 October last year. In direct quotes, he quotes Mr Koutsantonis as saying:

> 'When a politician tells you they can cut taxes and balance the Budget without cutting services, they're either incompetent or lying,' Mr Koutsantonis said.

So I am not sure, and the minister can respond in her answer, as to whether she is accusing Daniel Wills from *The Advertiser* of making that particular quote up. My question is to the Leader of the Government in relation to state budget issues. Does the Leader of the Government believe that it is possible for her government to cut taxes and balance the budget without cutting services?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:32): Indeed, I very much stand by those comments that I made previously in relation to a similar question asked of me by the Hon. Rob Lucas. Indeed, he is incorrect. I wasn't smearing members of the opposition: those comments were directed at him, and I stand by them. He has a notorious reputation for coming into this place with inaccurate information, misleading this place, being ill informed and poorly researched, and damaging people's reputations. More often than not—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. G.E. GAGO: More often than not, they are the reputations of those people who are unable to come into this place and defend themselves, so I will champion those people at every cause. In relation to the comments that he put to me, he did indeed supply me with a copy of the article. Well, what can I say? If it's in *The Advertiser*, it absolutely must be so! I have got no idea what the context of those questions was, or any comments that were made by the Hon. Tom Koutsantonis. I have no idea what the context would be, and I refuse to make any comment in relation to that. It's inappropriate for me—

The Hon. J.S.L. Dawkins: You don't talk to Tom, they tell me.

The PRESIDENT: The Hon. Mr Dawkins!

The Hon. G.E. GAGO: —to be second-guessing the context of any comments that he may or may not choose to make. If the Hon. Rob Lucas is so hell-bent on finding the answer to this question, why doesn't he have the guts to ask the Hon. Tom Koutsantonis, who is supposedly, allegedly, the author of these comments?

The PRESIDENT: The Hon. Mr Lucas, supplementary.

STATE BUDGET

The Hon. R.I. LUCAS (14:34): My question wasn't in relation to the Hon. Tom Kousantonis's question. My question was: does the Leader of the Government believe that her government can cut taxes and balance the budget without cutting services? I'm not interested in the Hon. Tom Koutsantonis: I am interested in what is the view of the Leader of the Government and Minister for Employment.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:35): These are matters for the Treasurer.

NOBEL PRIZE WINNERS

The Hon. J.M. GAZZOLA (14:35): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about honouring two of our state's Nobel Prize winners.

Leave granted.

The Hon. J.M. GAZZOLA: The need to dramatically increase the uptake of interest by school students in studying science, technology, engineering and mathematics has become critical for all modern economies. Surely, an understanding of the circumstances of our own local high achievers would help young people imagine themselves working in these fields. Next year will mark the 100th anniversary of the first Nobel Prize awarded to an Australian scientist. Minister, will you inform the chamber as to how this event will be commemorated?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:36): I thank the honourable member for his most important question. In 1915 the Nobel Prize in Physics was awarded to William Henry Bragg and his son, William Lawrence Bragg, at the very tender age of 25. Adelaide-born William Lawrence Bragg became the first Australian Nobel Prize winner, and to this day he remains Australia's youngest winner.

From their origins in Adelaide, the father and son team developed a breakthrough method for analysis of crystal structures by means of X-rays. Their research made possible an astonishing list of scientific advances, including the discovery of the structure of DNA and also advanced radiation therapy for cancer, solid state electronics, modern pharmaceuticals, superconductivity, and radio astronomy.

This remarkable story still provides an example of the benefits of scientific research. Even though Adelaide was geographically distant from European research centres at the time, this was no impediment to the high level of scientific inquiry for the Braggs and, of course, they weren't able to hook up globally through IT networks.

The Bragg Initiative—a four-year project aimed to increase community engagement with science, technology, engineering and mathematics (STEM)—has produced an educational DVD about the Braggs. Entitled *Driven to Diffraction*, the production is by Linda Cooper, and this 55-minute documentary aimed at school-age children has just been distributed free to schools around South Australia.

It is backed up by comprehensive STEM-focused educational resources on the website of the Royal Institution Australia (RiAus) and is also another example of an outcome of the Bragg Initiative. The website is aimed at igniting curiosity and enthusiasm for the sciences amongst young people and is a suitable manner to honour the enormous passion for communicating science that was a life-long commitment of both these men.

During 2015, RiAus will have a number of other initiatives highlighting the work of our famous father and son scientific duo. One of their most significant scientific memorials is the University of Adelaide's recently-opened science and research building, aptly named *The Braggs* which houses the world-leading Institute of Photonics and Advanced Sensing. It is a fitting legacy for Bragg senior,

in particular, who was Elder Professor of Mathematics and Experimental Physics at Adelaide University for more than 20 years.

The advanced research work being undertaken in the new building has, at its very foundations, the breakthrough science that was initiated a century before at the Adelaide University on North Terrace. The significance of their work will resonate for centuries to come, and it is our responsibility to keep alive and vibrant the passionate interest in science and the possibilities that are shared by all scientists.

TAXATION REFORM

The Hon. D.G.E. HOOD (14:39): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers questions about taxation reform.

Leave granted.

The Hon. D.G.E. HOOD: On 10 November 2014, Premier Weatherill announced a South Australian taxation reform on the back of discussion for federal changes to state funding. As part of this announcement, the government released its economic priority statement entitled *South Australia: the best place to do business*. The statement documents 10 objectives, including but not limited to areas such as creating an efficient Public Service, reducing red tape regulation and supporting innovation, investment and jobs within industry and minimising disincentives to economic activity.

The areas of concern canvassed in these incentives are most certainly complained about by businesses here in South Australia. For example, in today's *The Advertiser* Nigel McBride, the head of Business SA, was explaining the layers of bureaucracy in the public sector and the price we pay for that, as well, and possibly more troublingly that large businesses in the Riverland have currently and recently indicated that there would be greater benefits to them in setting up in Victoria rather than continuing to operate in South Australia. My questions to the minister are:

1. Does the state government concede that increased taxes, levies and charges on business in South Australia have, in fact, created an anticompetitive or, at the very least, less competitive market, particularly for small and medium-sized enterprises here in South Australia?

2. What tax benefits are likely to be passed on to businesses as a result of these reforms?

3. What is the projected time frame for these much-needed reforms?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:41): I thank the honourable member for his most important question. Indeed, our Premier, Jay Weatherill, recently announced the 10 economic priorities for South Australia which involve unlocking the full potential of South Australian resources, energy and renewable assets.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: The second priority is around premium food and wine from our clean environment; priority 3 is around being a globally recognised leader in health research, ageing and related services; priority 4 is about the knowledge state attracting diverse students, particularly international students and commercialising our research; priority 5 is about South Australia being a growing destination of choice for international and domestic travellers; priority 6 is about growth through innovation; priority 7 is about South Australia being the best place to do business; priority 8 is about Adelaide, the heart of the vibrant state; priority 9 is about international connections and engagements; and priority 10 is about South Australian small businesses having access to capital and global markets.

As the Premier said, we are open to business, we are open to ideas and we are open to people. This government has already done a great deal to assist businesses. We have made changes to business taxes and have been able to reduce them. We have also made significant

changes to WorkCover which will result in significant cost savings for businesses. We have also undertaken significant red tape reduction reviews. I know that, in my own area alone, Consumer and Business Services has undertaken considerable work there and continues that work. In the area of VET, I recently conducted a review of red tape reductions and have rolled out a range of initiatives to address that.

This government is very much committed to making sure that we have an economy that can grow and allow businesses to flourish and grow, to reach new markets, to attract new investment and to unlock the full potential of our workforce through a training initiative that allows for the growth of skills and knowledge to ensure that we can fill those jobs and remain a prosperous and growing state.

Recently the Premier announced a commitment to look at further tax reform initiatives, and he is committed to engage in a comprehensive way with South Australia to look into new ways that we might approach taxation. It is great to see the Hon. Dennis Hood back in the chamber today. We are very pleased to have him back and very pleased to hear him congratulating the government on these fabulous initiatives.

TAXATION REFORM

The Hon. R.I. LUCAS (14:45): By way of supplementary question, does the minister believe that the government will be able to cut payroll tax without cutting back essential services?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:45): As I indicated, we are looking at new ways of approaching taxation. The Premier has announced a comprehensive engagement with South Australians to investigate ways we might improve our tax regimes.

TAXATION REFORM

The Hon. R.I. LUCAS (14:45): By way of supplementary question, whilst the minister and the Premier might be looking at all these issues, does the minister believe that it will be possible, after all the looking, to cut payroll and business taxes without cutting essential services in South Australia?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:46): I believe in the power of South Australians.

FIRE MANAGEMENT PLANS

The Hon. A.L. McLACHLAN (14:46): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about fire management plans.

Leave granted.

The Hon. A.L. McLACHLAN: In the Department of Environment, Water and Natural Resources' annual report for the year 2012-13, it was reported that comprehensive risk-based fire management plans continue to be developed, with a total of 14 plans adopted since 2004, and that these plans cover approximately 49 per cent of reserves managed by the department the state. According to the department's website, as at 17 November this year there are still only 14 fire management plans adopted to date. My questions to the minister are:

1. Why have there not been any additional comprehensive risk fire-based management plans adopted since June 2013?

2. Are there any other fire management plans currently being developed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:47): I thank the honourable member for his most important question and his perspicacity in these very important areas of fire management.

The Hon. D.W. Ridgway: Perspicacity—it's been used in this chamber before.

The Hon. I.K. HUNTER: I might have used it last year, but it is not a word that readily jumps to mind when you are talking about the Liberal opposition frontbench—but come down through the back tier, and Jing Lee and Mr Lachlan—

The Hon. D.W. Ridgway: Get on with the answer—stop wasting time.

The PRESIDENT: Will the honourable member just sit and listen to the answer.

The Hon. I.K. HUNTER: They are showing by their very intelligent questions that they have an interest in stepping up to higher office, and I congratulate them for that ambition. I would welcome them being opposition frontbenchers for a long time to come.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway!

The Hon. I.K. HUNTER: The fire management activities of the Department of Environment, Water and Natural Resources extend across lands under my care and control as Minister for Sustainability, Environment and Conservation. This includes land under the National Parks and Wildlife Act, the Wilderness Protection Act and the Crown Lands Management Act. These lands cover about 23 per cent of the state.

The department also supports the South Australian Country Fire Service in response to bushfire events by providing experience and trained incident management personnel, firefighters and equipment. The department provides the CFS with experience and trained incident management personnel. The department is playing an increasingly important role in supporting the CFS at bushfire incidents, particularly those of a prolonged nature. The department's involvement plays a very important role in reducing the burden upon CFS volunteers, helping them to return to their local communities and resume normal activities sooner.

We have a brigade, the largest I think of the CFS, of about 520-odd members, comprising 358 firefighters and 90 firefighting appliances and support staff. The Department for Environment, Water and Natural Resources prepares comprehensive fire management plans for public land, designed to provide strategic direction for fire management activities.

As the honourable member said, 14 fire management plans have been adopted across the state, covering approximately 49 per cent of parks and reserves managed by the department, and a further six fire management plans are currently being developed, I am advised. These plans will cover the South Para area, the Mount Lofty Ranges, the Central Eyre Peninsula, the Northern Flinders Ranges, the Dudley Peninsula on Kangaroo Island, the River Murray corridor and the AW (Alinytjara Wilurara) region in the Far North West of the state.

CLIMATE COUNCIL

The Hon. T.T. NGO (14:49): My question is to the Minister for Sustainability, Environment and Conservation about the Climate Council report. Will the minister inform the chamber about the recently released report from the Climate Council entitled 'The Australian renewable energy race', that compares how each Australian state is performing in the renewable energy sector?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:50): I thank the honourable member for his incredible question. It is hot off the presses; I had no idea he could get to it so quickly—

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: He does keep up—

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: Indeed he is. The Climate Council released a new report today comparing Australian states and territories' performance in the renewable energy sector. The report, 'The Australian renewable energy race: which states are winning or losing?', talks about the

importance of individual states and territories playing an important leadership role in tackling climate change. I am very pleased to say that South Australia continues to lead the nation in taking action on climate change and in fostering new and profitable industries in our state. As the report notes, 'Due to the policy environment, South Australia is the most desirable market in Australia for investment.'

South Australia leads the nation in large-scale renewable energy capacity per person installed since 2001, and the report goes on to say that 'a little over a decade ago South Australia had very little in renewable energy capacity to speak of, but it is now a leader in renewables after a decade of increasing targets for renewables and supporting policies'. This shows that leadership plays a very big role in creating the right environment for this important sector to grow.

The report highlights initiatives such as our recent legislation that provides renewable energy developers access to crown land subject to pastoral releases, and supporting a concept model for community-owned solar. These initiatives are in addition to the targets that this government has set for renewable energy; we have a target to achieve $10 billion of low carbon investment by 2025 and we recently set ourselves a new target of achieving 50 per cent of total electricity generated from renewable energy sources by 2025. As highlighted in the report, we are the only Australian state with a current target to increase renewable energy.

I have often spoken about the important environmental and economic contribution that the renewable energy sector is making in this state. It seems like everyone is talking about the importance of the renewable energy sector and the need to act decisively to tackle climate change these days—everyone, it seems, except Prime Minister Tony Abbott and the federal Liberal government.

The world's attention turned to Australia in recent days, on 15 and 16 of this month, for the G20 Leaders' Summit. For a country like Australia, this was a unique chance to show a commitment to working with other world leaders to address the complex and difficult issues we all face. Everything that is agreed upon and/or discussed—or perhaps, more appropriately, not discussed, in this case—at such summits has a direct impact on South Australians and our state's economy.

We should therefore be extremely concerned about the way Australia has been portrayed following this G20 summit. Our Prime Minister used the opening speech, I am told, to stand in front of an international audience, that included politicians, journalists and viewers from around the world, to complain about domestic matters. The *LA Times* went so far as to call this an embarrassing 'awkward, pimply youth moment' in article published on 16 November.

That was not the worst of it, Mr President. The Abbott government's short-sighted parochialism was most evident in its attempt to keep climate change off the agenda during the summit. This was despite the fact that just a few days earlier, on 12 November, the United States and China announced an historic climate agreement that would see the United States roughly double its pollution reduction targets for the next five years and for China to reach its CO_2 emissions peak by 2030 and then to decline.

The US President placed climate change well and truly on the agenda during the Brisbane summit. In his speech at the University of Queensland, the US President's message to Australia was clear: 'If China and the US can agree on this, the world can agree on this. We need to get this done.' He also added that 'no nation is immune and every nation has a responsibility to do its part'. President Obama also used the speech to announce a $3 billion contribution to the Green Climate Fund, which aims to help developing nations deal with climate change.

Again, the Abbott government was silent on the issue and on whether Australia would also contribute. On Monday 17 November News.com—that radical rag, or whatever you call a modern media site these days—published a scathing article about the impact of the Abbott government's renewable energy policies on the sector. It stated:

> the renewable energy industry is by any measure one of the world's fastest growing industries. Other countries understand this—

everyone, that is, except the Abbott government—

> For example, China this year for the first time installed more renewable energy capacity than fossil fuels.

The article goes on to report that, according to the Climate Council:

> …Annual large-scale renewable energy investment in Australia in 2014 is a fraction of 2013 levels and said to be the lowest in 12 years.

Thanks to the federal government's policies we are going backwards as a nation, and this will severely impact South Australia's jobs and economy. The *LA Times* summed it up well when they reported that our prime minister, in his opening speech for the G20 summit, boasted 'that his government repealed the country's carbon tax, standing out among Western nations as the one willing to reverse progress on global warming.'

It is a sad day indeed when Australia makes headlines around the world for all the wrong reasons. But the South Australian government is committed to taking action on climate change, committed to supporting jobs and investment in South Australia, and committed to working with industry to realise opportunities for our state. We call on the federal government and those opposite to work with us to ensure the health of our planet and our economy into the future.

CLIMATE COUNCIL

The Hon. M.C. PARNELL (14:55): Supplementary: does the minister accept that this government's ambition to extract even more fossil fuels from the South Australian environment, including unconventional gas from the South-East, will in fact set back the cause of climate change mitigation in this state?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:56): I have tried to educate the honourable member previously on these matters, but about going cold turkey on fossil fuels, you cannot do it without wrecking your economy. You need to transition. Gas is seen to be a good transition fuel. I have no other source to refer to today other than the Climate Council's own report, which states:

> South Australian policy settings make it a highly desirable location for renewable energy investment…In 2011 South Australia released its A Renewable Energy Plan for South Australia…with the aim to make South Australia the most attractive investment destination for renewable energy. The plan outlined initiatives such as:
>
> - Introducing legislation to provide renewable energy developers with access to Crown Land areas subject to pastoral lease.
> - Supporting the design and implementation of a concept model for community-owned solar.
> - Consulting on a specific limit on carbon emissions for new electricity generation.
> - Supporting concentrating solar power for heat and electricity in Port Augusta.

The Climate Council recognises that you need a government that will take on leadership in these areas to transition to a low-carbon economy. That is what South Australia has done, that is what we will continue to do, and we will get rewarded by reports such as this, which actually outlines how much states and territories can do when you have a recalcitrant federal government dragging its heels.

CLIMATE COUNCIL

The Hon. T.A. FRANKS (14:57): Supplementary arising from the original answer: given the minister indicates that he wishes to work on these matters, will the roundtable invitations be extended to all members of parliament?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:57): I do not expect so. The round table will actually be consulting with participants who work in the sector.

CLIMATE COUNCIL

The Hon. R.I. LUCAS (14:57): Supplementary arising from the original answer: given the minister's criticism of the federal government's abolition of the carbon tax, does he support the reintroduction of the carbon tax?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:58): I, like most leaders around the world, know that we have to price carbon in some way. Whether it is a cap-and-trade exercise or some other market-based mechanism, that is the way of driving down emissions into the future.

FREE-RANGE EGGS

The Hon. T.A. FRANKS (14:58): My question to the Minister for Business Services is about the state government's free-range eggs certification scheme to commence in 2015. How will the scheme be funded and will an independent body oversee and monitor this scheme, or will it be done in-house by government?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:58): I thank the honourable member for her most important question and her ongoing interest in this particular policy initiative. As you are aware, Mr President, the government has committed to introducing a new regulatory standard for free-range eggs, a voluntary industry code under the Fair Trading Act. It will prescribe a certified free-range system that refers to standards that are commonly accepted as true free range and allows those producers who choose to comply with the code to display branding that they are South Australian and that they are free-range egg code certified.

Products bearing the logo will allow consumers to identify them as being free range, produced in accordance with the particular regulatory standard, and also as a premium South Australian product. This approach by the government seeks to support true free-range egg production while not disadvantaging the broader egg producers, given that it is a voluntary scheme and that only those who choose to opt in will do so.

Costs associated with the certification under the industry standard and use of the trademark are yet to be finalised, but I cannot imagine that it is going to be a very costly operation. Most of the work that is required is around authorising a trade logo, and that has been no easy feat, I can tell you, Mr President; there are a lot of requirements about that. Anyway, that is well advanced, and I have spoken on that in this place before. We think that the seeking out of a suitable trademark that is accepted by the regulators has almost been completed. I cannot imagine that the costs of this are going to be significant.

There are issues around enforcement but, again, I do not believe that they are going to be significant costs, but discussions are still underway. We are committed to making the code and trademark cost-effective to benefit producers and obviously the broader community. We will continue to work with the industry going forward to finalise that voluntary industry code and associated trademark, including the establishment and administration of an accredited scheme.

I know that the Hon. Tammy Franks has been a fierce advocate in this area, and I understand her level of frustration. We have also been disappointed at how difficult this has been to roll out. It appears, at least on the surface, to be a relatively simple thing, but it hasn't been, and that has been frustrating for us and my officers, and I know that it has been particularly frustrating for the Hon. Tammy Franks, but I can assure her that we are very much committed to completing this project. We think that it will be an important industry point of distinction for those particular egg producers, and we think that it is good policy.

FREE-RANGE EGGS

The Hon. T.A. FRANKS (15:02): Supplementary.

The PRESIDENT: Supplementary, the Hon. Ms Franks.

The Hon. T.A. FRANKS: Will those egg producers who fit the criteria for certification and what I would call true free range be able to be part of this scheme if they are not from South Australia?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:02): I am not absolutely sure about that. I am happy to

take that on notice and bring back a response. My immediate thoughts are that this accreditation is linked to South Australian produce, particularly showcasing our premium primary products, so I doubt very much that it would apply to other jurisdictions.

The Hon. T.A. Franks interjecting:

The Hon. G.E. GAGO: No, I didn't think it was. I have always assumed that it wouldn't be, but I will clarify that and will make that very clear.

ALMOND INDUSTRY

The Hon. J.S. LEE (15:03): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about South Australia's almond industry.

Leave granted.

The Hon. J.S. LEE: Colliers International Rural and Agribusiness Manager, Jesse Manuel, said that almonds have become Australia's most valuable horticultural industry. The almond industry is a major contributor to Australia's exports, with sales exceeding $300 million this year.

The almond industry is concerned that South Australia is at risk of losing one of the most important horticultural research and development investments in the past decade due to a lack of commitment from the state government. The Almond Board of Australia has put forward a business case for an almond centre of excellence to both the South Australian and Victorian governments seeking financial support for a state-of-the-art research facility.

The almond centre of excellence is expected to attract researchers and scientists from Australia and across the world. It is an investment proposition that will grow the industry, create jobs and increase exports for our state, and yet the Weatherill Labor government has not committed to supporting one of the most important horticultural opportunities presented to this state. My questions to the minister are:

1. Has the minister met with her colleagues to advocate for the establishment of the state-of-the-art almond centre of excellence in South Australia?

2. Has the minister consulted with the Almond Board of Australia and key stakeholders in the Riverland regarding this centre for research?

3. Given the Victorian Coalition has committed to providing $12 million for the centre of excellence to be built in Sunraysia should it win the election, is the state government merely interested to take a wait-and-see position?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:05): I thank the Hon. Jing Lee for her most important question. Unfortunately, she has directed it to the wrong minister. The Minister for Primary Industries is the relevant minister; however, I am happy to make some comments in respect to her question.

Being the former primary industries minister, I was delighted to spend quite a great deal of time with the almond industry, particularly in the Riverland area. I believe they did very well out of not just my time but this government's approach to primary industries. They were the recipients of a number of grants that I approved personally.

One grant was for Almondco, and I recall that it was a significant grant that I gave them, and it was to allow them to introduce pasteurisation equipment. At that time they didn't have it, and they were looking to expand their markets, particularly overseas, and the new standards required pasteurisation. They were able to purchase that equipment because of a state government grant, because of this government.

There were a number of other grants also to almond producers; I can't remember specifically what they were for. I think it was for expanding their sheds or such like, but they were significant financial contributions, and I know that, if the Hon. Jing Lee had spent a considerable time with the almond industry, they would have reflected very favourably on this government in relation to the significant amount of support they have received.

In relation to the almond centre, the government is working with the Almond Board of Australia on an offer to host the Australian almond centre of excellence in South Australia. I understand those discussions are underway, and the lead minister for that is the Hon. Leon Bignell.

WATER RATES NOTICES

The Hon. J.A. DARLEY (15:08): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question regarding water bills.

Leave granted.

The Hon. J.A. DARLEY: In 1986, an agreement was made between myself as Valuer-General and SA Water that SA Water would print the valuation of all properties on water rates notices in lieu of the State Valuation Office issuing annual notices of valuation at a cost of approximately $2 million per annum. However, SA Water currently only provide the valuation of a property on the rates notice if the value is more than the minimum value required to attract the minimum sewerage rate.

Those whose properties are below this threshold receive no valuation advice on their water rates notice. I met with SA Water approximately three years ago to discuss this issue and also raised the issue of increasing the font size used on page 2 of the bills to make them easier to read. Can the minister advise whether SA Water will be adhering to the agreement to print all valuations on water rates notices and, if not, why not? Can the minister advise why SA Water is unable to increase the font size used on water bills to assist those with visual impairment?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:09): It is something that we are taking into consideration, but I have to add that any alteration you want to make to the SA Water bill means you need to make some other consequent alteration to the bill—take something off, for example—or else you are going to increase the size of the bill. If you want to increase the font size, you are going to have to add another page. If you want to add information to the bill then you are going to have to change the systems that produce those bills, with the consequent costs in ICT.

So, there is no free lunch in this process. We try to give the consumer and the customer of SA Water the best information we possibly can that is relevant to them in terms of the bills that are provided to them but, if you want to make changes, you need to understand they come at a cost. The person who will pay that cost at the end of the day is the SA Water customer, and we are particularly concerned in this government to drive down costs to the SA Water customer.

The PRESIDENT: Supplementary, the Hon. Ms Vincent.

WATER RATES NOTICES

The Hon. K.L. VINCENT (15:10): I might have misheard something—and I know the minister is not a great fan of technology—but I am not sure why increasing the font size of a document would cost more.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:10): It just does, because you either take something off the document to fit in the increased size of the font—some other bits of information—or you increase the number of pages associated with that document. That all comes at a cost, not the least being the redesign of the bill, of course, and the printing that is required through your ICT system.

The PRESIDENT: The Hon. Ms Franks has a supplementary.

WATER RATES NOTICES

The Hon. T.A. FRANKS (15:11): Is the minister aware of the case study where changing the type of the font in fact saved the toner and saved an enormous amount of cost for one particular company that did a lot of mail-outs? Has that been investigated?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:11): No.

ACCESS 2 PLACE SCHEME

The Hon. K.L. VINCENT (15:11): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Social Housing regarding the Access 2 Place scheme.

Leave granted.

The Hon. K.L. VINCENT: It has come to my attention via a number of constituents and disability service providers that there may be some challenges and problems with the tendering process as it relates to the Access 2 Place social housing program now administered by the state government.

While Dignity for Disability is aware that this scheme seeks to provide accessible and appropriate housing for South Australians with disabilities, it is important that the scheme does so in a way that recognises the individual needs and rights of each person with a disability. It is also essential that the tendering process is conducted in a fair, transparent and accountable manner. My questions to the minister are:

1. Is the minister aware that some disability service providers were given only three working days to prepare complex tendering documents for the most recent Access 2 Place funding round?

2. Is the minister aware that large, interstate-based disability providers are moving into the South Australian Access 2 Place service market, tendering at a price that undercuts local DSPs by up to 40 per cent?

3. Is the minister aware that, despite her government's policy of encouraging individualised, self-managed funding, some disability clients are being told that their accommodation will be block funded through a disability service provider, so they cannot make a personal choice about their preferred provider?

4. Is the minister concerned that the current method her department is using for tendering will create less choice and less individual planning and decrease independence in housing for people with disabilities?

5. Is the minister concerned that local, specialised disability service providers that deliver cost-effective, personalised services which empower people with disabilities may be squeezed out of the market?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:13): I thank the honourable member for her most important questions to the Minister for Social Housing in the other place about the tendering process related to the Access 2 Place social housing program. I undertake to take those questions to the minister and seek a response on her behalf.

APY LANDS, GOVERNANCE

The Hon. T.J. STEPHENS (15:14): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the ongoing governance issues on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: I refer to the minister's answer from a question that I asked on 13 November where he said, 'I have nothing further to add to the record than what I have already said in this place.' Given that he met with the interim general manager on 31 October and has the background information, can he now update the chamber on the current administration of the APY lands, and has the minister found any evidence of wrongdoing by the APY executive?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:14): I thank the honourable member for his most important question and his ongoing interest in this policy area. I have no new information to share with the chamber at this point in time.

GROUP TRAINING AWARDS

The Hon. G.A. KANDELAARS (15:14): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about the 2014 group training national awards.

Leave granted.

The Hon. G.A. KANDELAARS: As a former board member of a group training organisation, I know how important is the contribution that group training makes to vocational education and training in our state. In particular, I know that it employs so many of our state's apprentices and trainees. Can the minister inform us about the recent high-quality achievements of South Australian apprentices and trainees employed by group training organisations in light of the 2014 group training national awards?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:15): I thank the honourable member for his most important question and his ongoing interest in this particular policy area. The contribution that group training organisations make to our state's vocational education and training sector is a most important one. Apprentices and trainees employed by GTOs gain valuable work experience with a host employer and may in fact get the opportunity to work for a number of host employers during the term of their contract of training.

Group training organisations (GTOs) in South Australia are a significant employer of apprentices and trainees. They manage the paperwork and the records of the apprentices and trainees and arrange for them to attend their formal training by a registered training organisation. GTOs regularly visit workplaces to help monitor the on-the-job training of, and provide support to, trainees and apprentices and to assist with any on-the-job issues that may arise.

On 9 July 2014, His Excellency Rear Admiral Kevin Scarce, former governor, presented the South Australian Group Training Awards at Government House to winners of the following South Australian awards. The first one was the South Australian Group Training Apprentice of the Year, who was Mr Marcus Harders, whose GTO was PEER VEET and whose host employer was National 1 Plumbing & Maintenance Services. Mr Harders was enrolled in Certificate III in Plumbing and was the winner of this award.

The winner of the South Australian Indigenous Apprentice/Trainee of the Year, and winner of the national award, was Mrs Anika Duffy with the Career Employment Group, which was also her host employer. She is enrolled in a Diploma of Management. The South Australian Trainee of the Year, and also the finalist for the national award, was Mr Foster Davis. His GTO is Murraylands Training and Employment. He was hosted by Murray Mallee Aged Care Group while training in Certificate III in Business Administration.

The South Australian School-based Apprentice of the Year, and finalist for the national award, was Ms Sarah Voigt, employed by the Hospitality Group Training GTO and hosted by Jacob's Creek Visitor Centre. I know all members of the chamber will join me in congratulating our South Australian winners and finalists and on their achievement at the 2014 Group Training National Conference held in Hobart on 13 November last week.

At the same time as celebrating our winners, we might also reflect on the recent decision of the commonwealth government to make deep cuts to its contribution to the Joint Group Training Program scheme—part of the national partnership project agreement. In 2013-14, 16 group training organisations, which together employ and train over 20 per cent of South Australia's apprentices in traditional trades, were funded under the Joint Group Training Program. In South Australia, group training organisation apprentices are 5.7 per cent more likely to complete their apprenticeship, and that's data from the NCVER.

The total funding commitment to the program in 2013-14 was $2.5 million with the state government contributing $1.35 million. However, what is just around the corner is a 20 per cent cut by the commonwealth for the 2014-15 year, and funding by the commonwealth will cease completely to GTOs by 2015-16. Of course, this comes on top of the commonwealth's announcement of cuts to a range of vocational education and training areas. Ten VET programs will be cut in the vicinity of $1 billion over five years.

This government will continue to drive improvements in completion rates, and we will continue to support South Australians to gain new skills and to upskill. Unlike those opposite, we will continue to stand up to the federal Liberal government and attack it as it attacks our apprentices and trainees by its severe cuts to the VET program.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:21): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question regarding suicide-prevention training in journalism and public relations education.

Leave granted.

The Hon. J.S.L. DAWKINS: As I have previously stated in this place, the Hunter Institute of Mental Health (which I visited about 12 months ago) is the leading national organisation dedicated to reducing mental illness and suicide and improving wellbeing for all Australians. The institute has a program known as 'Mindframe' which provides valuable resources for educators and students in journalism, public relations and related communications programs at the tertiary level.

Previously known as 'response ability', the resource is now called Mindframe for journalism and public relations education, and is designed to provide students and teachers with the information and background knowledge they require to accurately approach news reporting of suicide or mental illness when they move into professional practice.

The resource was developed in consultation with the media, public relations professionals, academics and suicide prevention and mental-health experts. The basis for the program is to provide budding journalists with the skills to reduce the stigma and discrimination experienced by people with a mental illness, inform appropriate reporting and communication about suicide and mental illness, and, most of all, minimise harm and copycat behaviour.

Mindframe achieves all this by influencing the tertiary curriculum and ingraining a set of professional ethics so that graduates have the skills to appropriately report and respond to issues relating to suicide and mental illness. My questions are:

1. What is the minister and her department currently doing to ensure graduates from government-funded media, public relations and journalism-related courses are being given the skills through the current curriculum to appropriately report on issues relating to mental illness and suicide prevention and particularly prevent copycat behaviour in the wider community?

2. Has the minister, or her department, insisted on the use of Mindframe, or similar resources, in media, public relations and journalism courses conducted by government-funded institutions? If not, will the minister consider it?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:23): I thank the honourable member for his most important question and his ongoing interest and passion for suicide prevention. Being the former minister for mental health, amongst other things, and a former health-care professional, it is also an area that I have a keen interest in. In relation to the training for media and journalists, I am not familiar with the details of those courses in particular, and I am happy to take a closer look at them.

The usual process for those courses is to have strong industry input into the development of a contemporary and relevant curriculum. I imagine that would include all appropriate information around codes of conduct, professional codes and suchlike. I understand these suicide protocols for media would be outlined in that. Indeed, it is an important protocol because it lays down particular standards or expectations in relation to the way that the media reveals information about suicides.

There is well-established data that indicates that if it is not done in a highly sensitive and careful way, the release of certain information or images can excite others to perform copycat suicide activities.

The normal practice is for all relevant industry to have input into curriculum development. I assume that this occurs for our media training courses and courses for journalists. As I said, I cannot categorically confirm that but I am confident that that would be the case. I am happy to investigate that further to determine that it is so.

PARLIAMENT, PROROGUING

The Hon. M.C. PARNELL (15:26): My questions are to the Leader of the Government about the cost of proroguing parliament:

1. What is the cost of proroguing parliament, after just seven months of sitting?

2. What is the cost of the opening ceremony, including the opportunity cost of judges, service personnel and others who are diverted from their normal duties?

3. Has the government calculated the cost in time and wasted resources in members having to reintroduce and redebate bills and motions that will lapse when parliament is prorogued, or the cost of additional printing and circulation of new versions of old bills?

The Hon. R.L. Brokenshire: 'No Proroguing'—I'm going to protest.

The PRESIDENT: Order!

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:27): I thank the honourable member for his most important questions. I note the interjections by the Hon. Robert Brokenshire, saying things like how silly it is to prorogue and yet, what a hypocrite he is—what a total hypocrite.

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. G.E. GAGO: He was a member of a former Liberal government that on many occasions prorogued. We have already had the Hon. Ian Hunter outline the evidence of the many occasions that a former Liberal government prorogued, far more often than we have. I could invite the Hon. Ian Hunter to relay that information if there is any doubt whatsoever, if there is any challenge—

The Hon. R.L. Brokenshire: That was in the 1800s.

The Hon. G.E. GAGO: It was not in the 1800s.

The Hon. J.S.L. Dawkins: A fair bit of it was.

The Hon. G.E. GAGO: That is just absolute nonsense.

The Hon. J.S.L. Dawkins: You mean started in the 1800s?

The PRESIDENT: Order!

The Hon. G.E. GAGO: Anyway, I will come back and clarify some of those dates shortly, Mr President. The Hon. Robert Brokenshire is an absolute hypocrite, so I completely reject his interventions which, of course, are out of order anyway, sir. In relation to the cost of proroguing parliament, I do not have those figures in front of me at the moment. But this government is committed to keeping all costs to an absolute minimum, and I can assure members that we will be doing that. Any costs that the honourable member refers to in terms of duplication are saved by the efficiencies gained by being able to clear notice papers which are choked with many—

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. G.E. GAGO: —really quite nonsense motions that members have no intention of ever proceeding with—none at all. This is an ideal opportunity to rid ourselves of those, so there are efficiencies to be gained.

Bills

CRIMINAL LAW (FORENSIC PROCEDURES) (BLOOD TESTING FOR DISEASES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 November 2014.)

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:33): I understand that there are no further second reading contributions on this bill, so I thank honourable members and will make a couple of concluding remarks. I thank members for their contributions to the debate. Police perform a vital role. Unfortunately, however, many police officers are assaulted as part of their duties and often in circumstances where there is a risk of the transmission of an infectious disease. In 2013 there were 279 instances where police officers came into contact with blood, 128 instances involving officers being spat at and two occasions where a police officer suffered a needlestick injury.

Currently there is no means to compel an individual to provide a biological sample. The passage of this bill will mean that, when a person is suspected of committing a prescribed offence against a police officer and exposing the police officer to their biological material, the suspect can be compelled to provide a blood sample for the purposes of being tested for communicable diseases. The purpose of taking this sample from a suspect is to assist with the diagnosis, clinical management and treatment of an exposed police officer.

Because some communicable diseases, such as HIV and hepatitis, can have lengthy incubation periods where the disease is present in the body but cannot be detected, the police officer may be left to wait for months to confirm whether or not they have contracted the disease. Of course, that is an incredibly stressful time for that person and their family.

Across Australia examples of such experiences are, unfortunately, not uncommon. One police officer was spat upon by an offender who claimed he was HIV positive, and the officer later suffered anxiety attacks. Another officer had to wait three months for the all clear after having blood spat at him by an offender who had hepatitis C and who claimed to have HIV or AIDS. The bill will (1) provide an efficient means for testing individuals suspected of a prescribed offence and, on the results of a test, contribute to decisions on treatment, and (2) have the effect of reducing the stress and anxiety for officers who have been exposed to an individual's biological material.

Reservations about the bill were raised by some members in their contributions. The bill deals with sensitive issues and, as stated by the Hon. John Darley in his contribution, there needs to be a balance between a suspect's usual entitlement to medical confidentiality and informed consent to undergo medical testing on the one hand and, on the other hand, compelling an individual to undergo testing in order to protect the legitimate health and safety concerns of police officers who have been exposed to the risk of infection by an individual. The view of the government is that this bill strikes the right balance.

Honourable members have expressed their support for the bill, and have suggested that it should be extended to other categories of emergency workers and to licensed security agents. This is worthy of thought and consideration, but such an extension raises major operational, professional and cost implications, issues upon which the government is currently awaiting advice. I propose to adjourn the matter until advice has been received and considered by the government and other parties, where appropriate.

Bill read a second time.

CIVIL LIABILITY (DISCLOSURE OF INFORMATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 November 2014.)

The Hon. J.A. DARLEY (15:37): I rise to speak on the Civil Liability (Disclosure of Information) Amendment Bill. According to the government, the purpose of the bill is to provide the Crown, and the Crown only, with legal protection where information is or documents are released proactively. This will be achieved by providing the Crown with immunity from civil liability in respect of the release of information by or on behalf of the government or its agencies. That immunity will be limited to the release of information of a prescribed kind.

The need to prescribe the kinds of information or the circumstances of release is also intended to limit, through parliamentary scrutiny of regulations, the scope of the immunity. At this stage the government anticipates that the regulations will prescribe general information about government agencies and their operations, such as details of credit card expenditure, travel, mobile usage, entertainment expenditure, and information about consultancies, gifts received and agency procurement practices, submissions on government initiatives and policy initiatives, information released in accordance with government-wide disclosure policies and information of a nonpersonal nature that has already been sought and provided under the Freedom of Information Act.

I note that the opposition has raised a number of concerns in relation to this bill and has sought to move amendments to address those concerns. Those amendments were defeated in the other place but will be reconsidered in this place. The aim of the amendments is to limit the immunity to areas of defamation or breach of confidence.

As I understand it, one of the reasons for those amendments is that a blanket immunity has the potential to result in people becoming complacent and even a bit lax in terms of carrying out their duties without any repercussions. The counter argument is that in most instances a person would be pursued for defamation and, given that such cases would fall under the exemption, there is little point to the amendments. For the record, I think there is some merit to the argument put by the opposition, and I will be considering those amendments.

I appreciate that in this instance we are dealing with issues of immunity from civil liability under the Civil Liability Act, but it is nevertheless important to consider this in the context of the broader issues around FOI processes. The Hon. Mark Parnell recently made reference to the annual report of the Ombudsman, which was tabled during the last sitting week. On page 11 of the report, the Ombudsman states the following about our FOI laws:

- the agencies' implementation of the Act is wanting, and demonstrates a lack of understanding or commitment to the democratic principles which underpin the Act…
- six of the 12 agencies failed to determine over 50 percent of access applications within the timeframe required by the Act
- most of the agencies do not understand how to apply the exemptions and the public interest test under the Act
- it is common practice across all of the agencies to provide copies of FOI applications, determinations (draft or otherwise) and documents to their Minister to 'get the green light' prior to finalisation of access requests. While the Act permits a Minister to direct their agency's determination, evidence provided to the audit strongly suggests that ministerial or political influence is brought to bear on agencies' FOI officers, and that FOI officers may have been pressured to change their determinations in particular instances. If a ministerial decision or direction is involved, it should be clearly set out in the agencies' determinations
- the agencies' Chief Executives are not providing FOI or pro-information disclosure leadership. In nine out of the 12 agencies, there is no directive at all from the Chief Executive, senior management or the Minister about the operation or implementation of the Act
- only one agency stated that it has ever released an exempt document, despite the discretion to do so under the Act.

The Ombudsman goes on to provide:

> …in my view, the jurisdiction needs an independent FOI champion who can not only conduct reviews, but also provide training and monitor agencies' compliance with information disclosure. I addressed this issue in my audit which I have referred to above.

In the Independent Commission Against Corruption inaugural annual report, Justice Lander also warned public servants, and especially ministerial staffers, against using personal email accounts to circumvent FOI rules. I simply make the point that our FOI laws and processes are certainly in need of some reform, and this position certainly has the backing of our independent statutory officers.

The intent of this bill is to ensure that documents are released proactively, which I imagine is intended to go some way towards addressing the criticisms that have been made of late. That is something that I support; however, I think we also need to exercise caution and ensure that we do not go too far in the other direction. We do not want to end up with a situation whereby information is released without any regard as to its nature simply because of the protections afforded against civil liability. With that, I support the second reading of the bill.

The Hon. G.A. KANDELAARS (15:43): I rise to support the Civil Liability (Disclosure of Information) Amendment Bill. I note that the Hon. Andrew McLachlan, in his contribution, stated that open and transparent government decision-making is the foundation stone for a functioning and healthy democracy. The government agrees. This bill is designed to foster an environment within government to encourage proactive disclosure to the greatest extent possible outside of the existing FOI process. The bill seeks to amend the Civil Liabilities Act 1936 to provide the Crown with immunity from civil liability in the event of the release by the government of certain prescribed information.

The bill has been drafted so as to provide the Crown with a broad exemption from liability. This is deliberately so. The government and the opposition appear to disagree on this point, but that is not to say that the government does not understand where the opposition is coming from. Of course, there is a balance that needs to be met between government responsibility and encouraging the disclosure of information. They need not always be mutually exclusive, although, in practice, each needs to be considered in conjunction with the other.

The bill seeks to exempt the Crown from legal liability in tort, equity, contract or otherwise. The opposition seeks to limit this exemption to liability in defamation or breach of confidence. The government has received Crown advice to suggest that a limit such as that proposed by the opposition has the potential to leave the Crown exposed to some forms of legal liability, for instance, in breach of contract (perhaps in the context of confidentiality provisions) and in tort (perhaps in the case of negligent misstatement).

The intent of this bill is to ensure that the culture within the public sector is one of default disclosure. However, should it be necessary for a team of qualified legal people to review government information with a view to which, if any, kind of legal liability may arise, it is the government's fear that the intent of this bill may not be met. As I said earlier, the intent of government here is to ensure that there is a culture within the public sector to proactively disclose, to the greatest extent possible, information without the need to use the existing FOI process. It would be a great disappointment if, because of the amendments proposed by the opposition, that disclosure was limited because of fear of legal liability arising as such. I encourage all members to support the bill unamended.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:47): I do not believe that there are any further second reading contributions to this bill. I thank honourable members for their contribution and I thank those who have indicated their support. I look forward to dealing with this bill expeditiously through the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. M.C. PARNELL: I have a question for the minister at clause 1, and my question relates to the type of immunity the Crown is seeking. The bill provides for quite an expansive list of types of actions that might be brought against the government. My question is: apart from defamation, what other causes of action are likely to be brought against the government for disclosing information?

The Hon. G.E. GAGO: I am advised that there is a range of actions, and these include things like negligent misstatement, breach of confidentiality and tort against invasion of privacy—just a few.

The Hon. M.C. PARNELL: I thank the minister for her answer. The Law Society, when writing to members about this bill, said the following. I will just quote one sentence from their submission:

> The Society has recently, and on several occasions, objected to the unhelpful practice of leaving the substantive provisions of a Bill to regulation, and in this instance, unwritten regulation. This objection is repeated in relation to this Bill.

My question of the minister is: when might we see the regulations under this bill?

The Hon. G.E. GAGO: I guess the short answer is that we do not have any detailed answer to this. We are unsure at this point in time. I do not think any decision has been made at this point. However, generally speaking, the regulations are made after a bill is enacted and we would seek to do that, obviously, in a timely way. The usual practice also entails appropriate stakeholder consultation.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. A.L. McLACHLAN: I move:

Amendment No 1 [McLachlan–1]—

Page 2, lines 17 and 18 [clause 4, inserted section 75A(1)]—Delete:

'(whether in tort, contract, equity or otherwise)' and substitute:

for defamation or breach of confidence

The opposition's position is as articulated in my second reading speech. Whilst we acknowledge the government's motives in attempting to increase the flow of information, we feel that the broad exclusion from liability is unwarranted given the information before the chamber, and indeed the amendment is based on similar provisions in both the New South Wales and Tasmanian jurisdictions.

The Hon. G.E. GAGO: The government rises to oppose this amendment. The protection established by the bill is aimed at encouraging greater proactive release of information by South Australian government agencies outside of the Freedom of Information Act 1991. This amendment limits the Crown's protection to civil liability for defamation and breach of confidence. Therefore, the Crown is not protected from all other civil liability arising from the publication of information which may include negligence or breach of contract.

The government considers that the limited protection that is proposed by the amendment will frustrate the government's intention to implement a broad, proactive disclosure policy, especially in relation to the publication of submissions regarding government proposals. Particularly, if the amendments were to be accepted, it is likely to be necessary that significant resources would be required by government to review the documents, the subject of potential release, similar to the process currently undertaken in the review of FOI applications.

Even more burdensome than FOI reviews, though, it is likely that those reviewing documents, the subject of the opposition's proposed amendment, would need to be legally qualified in order to determine what type, if any, of legal liability would arise from the disclosure of the information as, therefore, whether a particular type of legal liability would be exempt.

The aim of the bill is to enable the quick release of information without the need for elaborate vetting of each individual document. The amendment proposed would prevent information from being released quickly, and the amendment is not supported for these reasons.

The Hon. A.L. McLACHLAN: Can the minister advise the chamber whether the government has contacted the New South Wales and Tasmanian governments to make an assessment of their costs or their procedures in relation to the release of information?

The Hon. G.E. GAGO: I am advised that we have not approached New South Wales for that information.

The Hon. M.C. PARNELL: I will put the Greens' position on this amendment now. I asked the minister earlier about the types of actions that this bill might provide some protection for and it is clear that it is envisaged that it go beyond defamation or breach of confidence. The Liberal amendment is proposing to limit the protection to those two causes of action: defamation and breach of confidence. The starting point for the Greens is that we have often been critical of government for not routinely publishing information, and a consequence of that reluctance has been an unwieldy, in many cases, number of freedom of information requests. As we all know—the Hon. John Darley referred to it before—it is a flawed process that takes a long time, and agencies rarely fulfil their legal obligations.

For the Greens, we want to see more information published routinely, and we appreciate that that does require some level of protection. It seems to us that we are being asked to take on trust the government's intention in this matter: that their intention is to promote an increased publication of routine material and that they will be more likely to do it if they get this protection.

I note again what the Law Society said when commenting on the bill. They said: 'The actual extent or effect of this bill cannot be commented on without details of the proposed regulations,' which was why I asked. I do appreciate what the minister said, that it is the normal practice to wait until the legislation has gone through and then deal with the regulations, but I think the Law Society has a very good point. The entire effect of this bill depends on the regulations, because the operative proposed clause 4 basically refers to 'circumstances prescribed by the regulation for the purpose of this section'.

The Greens' position, with our starting point that we want more publication rather than less and more protection from government rather than less, is that we will be supporting the bill as drafted. We will not be supporting the amendment, although I do understand that that amendment is borne out of a practical analysis of the sorts of circumstances we are talking about, where it is defamation that is largely the action that people are concerned about. Whilst I appreciate the honourable member putting this amendment up, the Greens are prepared at this stage to trust the government's intent to do the right thing by this legislation. I hope we do not regret it, but we will not be supporting the amendment.

The Hon. J.A. DARLEY: I indicate that I will be supporting the bill.

The committee divided on the amendment:

Ayes 8
Noes 13
Majority 5

AYES

Dawkins, J.S.L.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I.	McLachlan, A.L. (teller)	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

NOES

Brokenshire, R.L.	Darley, J.A.	Finnigan, B.V.
Franks, T.A.	Gago, G.E. (teller)	Gazzola, J.M.
Hood, D.G.E.	Hunter, I.K.	Kandelaars, G.A.

NOES

Maher, K.J.	Ngo, T.T.	Parnell, M.C.
Vincent, K.L.		

Amendment thus negatived; clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:05): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ROMAN CATHOLIC ARCHDIOCESE OF ADELAIDE CHARITABLE TRUST (MEMBERSHIP OF TRUST) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2014.)

The Hon. A.L. McLACHLAN (16:06): I rise to speak to the Roman Catholic Archdiocese of Adelaide Charitable Trust (Membership of Trust) Amendment Bill. The bill seeks to amend the Roman Catholic Archdiocese of Adelaide Charitable Trust Act 1981. The provisions under the 1981 act created the Roman Catholic Archdiocese of Adelaide Charitable Trust as a corporation to take over and administer certain existing trusts and charitable undertakings within the Roman Catholic Archdiocese of Adelaide.

I note the trust property vested in the trust includes charitable undertakings, purposes or trusts vested in the Catholic Church Endowment Society Incorporated, the Goodwood Orphanage, Largs Bay Orphanage, St John's Boys Home, and property held in trust for those institutions. It is interesting to note from the proceedings of the select committee on the original bill in 1981 that one of the main drivers for the legislation was to remove any uncertainty regarding bequests ensuring they went to the successor entities. Executors such as the Public Trustee and others were questioning the legal continuity between the incorporated trust (that was then in existence) and the homes in respect of the legacies given to those homes.

The act provides for the certain appointment of trustees to administer the trust. It is apparent that some of these entities, or ministries, have become obsolete. For example, the Sisters of Mercy of Adelaide have restructured and merged into a new entity now known as the Institute of Sisters of Mercy in Australia and Papua New Guinea. However, the archdiocese still wants the original bodies to continue to participate through its leader, ex officio, as trustee of the trust in order to keep faith with the ministries and those who have supported the original ministries in the past. We also understand that another ministry, and the entity that supports it, is also considering a similar restructure.

The bill originates from a request from the archdiocese to accommodate such restructures into the future. It is important to note that part of the request was that the act be amended to accommodate any future restructures of any of the trustee entities subject to the Archbishop certifying in writing that the restructured entity is effective successor to the former entity without the need for further amendments to the act.

The Liberal opposition is satisfied that this is an effective mechanism to accommodate further restructures. We are mindful that the established churches are facing declining membership and, at

the same time, the need for their charity increases. Not even the Catholic Church is immune from the pressures of becoming more efficient and making every possible endeavour to ensure that their charitable work is continued. In this regard, we support the bill and the second reading.

I note the concerns which were raised by the Deputy Leader of the Opposition, the member for Bragg, in the other place, who asked whether the proposed amendments were seeking to aid and abet the isolation of assets from potential civil liability claims against the Catholic Church. In its report tabled on 11 November 2014, a select committee noted these concerns but found that this was not the case.

The Hon. Mark Parnell has filed amendments which we have received today in relation to this bill, and I note in my quick reading of these that they relate to obtaining access to certain classes of individuals for compensation in relation to these trust assets. The Liberal opposition has not had an opportunity to consider these amendments and will do so in subsequent days, so we reserve our position in relation to those amendments. That said, I commend the bill in its current form to the chamber.

The Hon. D.G.E. HOOD (16:10): Today we have a bill before us that amends the Roman Catholic Archdiocese of Adelaide Charitable Trust Act 1981 which was drafted at the request of the Roman Catholic Archdiocese. At the outset I would like to take this time to commend the Catholic Church as a whole, of which I understand the Roman Catholic Archdiocese is an integral part, for the wonderful work it does in the community.

Without the support of this organisation community care organisations such as Centacare, Hutt Street Care, Aboriginal Catholic Ministry, Catherine House, Mary MacKillop Care, the Catholic Deaf Association, St Patrick's Special School and Our Lady of La Vang School would not function as they do now. These programs provide services for the community in the areas of homelessness, counselling, prison visits, case management, employment programs and disability, to name a few. The provision of these services is highly commendable and greatly needed in our community.

Turning to the bill specifically before us, the Roman Catholic Archdiocese Trust is a corporation which administers certain existing trusts and charitable undertakings within the Roman Catholic Archdiocese of Adelaide. Not surprisingly, given the age of the current act, this current bill presents us with some legislative changes to update the act and bring it into line with the current operating requirements of the trust.

The changes include expanding the current four trustees who can administer the trust to seven trustees. Additionally, the definition of the Sisters of Mercy has been widened to incorporate the newly created structure within the organisation. The archdiocese has anticipated that a similar situation may occur in the future and has requested that the act be amended so as to accommodate any future restrictions of any of the trustee entities. Accordingly, section 4A allows for the Archbishop to declare and provide certified documentation of a successor ministry without the need to come before parliament and make legislative changes.

Family First endorses this approach as a sensible one. It has been reported in the other place that the select committee, tasked with examining this bill, conducted thorough yet relatively uneventful examinations into the merits of this bill. They reported unanimous support for the bill in its current form. Accordingly, Family First supports the passage of this bill.

Debate adjourned on motion of Hon. J.M. Gazzola.

STATUTES AMENDMENT (ENERGY CONSUMERS AUSTRALIA) BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:13): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Government is amending the national energy legislation to support the establishment of a national consumer advocacy body, Energy Consumers Australia.

The Council of Australian Governments' Energy Council agreed to establish Energy Consumers Australia as it is an important step towards increasing consumer advocacy on national energy market matters of strategic importance or material consequence for energy consumers.

Energy Consumers Australia will be established as a company limited by guarantee, governed by a constitution with a single Member, the South Australian Minister responsible for Energy, and a skill-based Board comprising of one Chair and four Directors.

Energy Consumers Australia's objective will be to promote the long term interests of consumers of energy with respect to the price, quality, safety, reliability and security of supply of energy services by providing and enabling strong, coordinated, collegiate evidence based consumer advocacy on national energy market matters of strategic importance or material consequence for energy consumers, in particular for residential and small business customers.

It is being established to ensure that all energy consumers are represented in national energy matters. Currently, there is a concern that the interests of the large majority of residential and small business energy consumers are either not adequately represented, or where they are represented, the implications for ordinary consumers are not always able to be presented on a sufficiently well informed analytical basis to influence national energy policy developments or outcomes of regulatory determinations that have a large bearing on consumers' energy prices.

Activities to be undertaken by Energy Consumers Australia to achieve its objectives will include participating in the identification and resolution of national energy issues, engaging with consumers and existing consumer advocacy groups to increase overall effectiveness, building national and jurisdictional expertise and capacity through managing and funding research and representation activities and creating new avenues for ordinary consumers to be able to express their opinions and to find out about issues that concern them.

The Statutes Amendment (Energy Consumers Australia) Bill 2014 makes amendments to the National Electricity Law in the schedule to the *National Electricity (South Australia) Act 1996*, the National Gas Law in the schedule to the *National Gas (South Australia) Act 2008* and the *Australian Energy Market Commission Establishment Act 2004*.

The Bill abolishes the Consumer Advocacy Panel, which is the existing body that facilitates consumer advocacy in relation to the national electricity and gas markets through a program of grants.

A mechanism for Energy Consumers Australia to honour grants determined before the Consumer Advocacy Panel is abolished is included in the Bill and existing applications for funding lodged with the Consumer Advocacy Panel and not yet considered are to be transferred to Energy Consumers Australia for consideration.

The Bill also seeks to ensure that grant applications can be considered by Energy Consumers Australia whilst it develops its own criteria and guidelines. It achieves this by providing for existing criteria developed by Energy Ministers and guidelines developed by the Consumer Advocacy Panel and approved by Energy Ministers to continue to apply for the purpose of the determination of applications for funding by Energy Consumers Australia until it prepares new criteria or guidelines.

Funding for Energy Consumers Australia will be obtained from the Australian Energy Market Operator, which will in turn recover the consumer advocacy funding from participant fees in accordance with the National Electricity Rules and National Gas Rules. New Rules are to be included in the National Electricity Rules and National Gas Rules to provide for the recovery and payment of consumer advocacy funding by the Australian Energy Market Operator. The Bill provides that the South Australian Minister responsible for energy may make initial rules in relation to Energy Consumers Australia, including provisions for its funding and other consequential matters.

The Bill will provide that once initial Rules have been made by the South Australian Minister responsible for energy on the subjects provided for in the Bill, the Minister will have no power to make any further Rules under this power.

Currently consumer advocacy funding is recovered from electricity market customers on a per-megawatt hour basis. The Bill provides the Australian Energy Market Operator with the ability to consider the appropriate methodology for recovering future consumer advocacy funding. This includes sufficient flexibility for the Australian Energy Market Operator to prepare a transitional schedule indicating how the funding is to be recovered from electricity market customers until the end of the current participant fee determination period.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Australian Energy Market Commission Establishment Act 2004

Division 1—Amendment of Act

4—Amendment of section 3—Interpretation

These amendments are consequential.

5—Amendment of section 26—Accounts and audit

These amendments are consequential.

6—Amendment of section 27—Annual report

This amendment is consequential.

7—Repeal of Parts 3 and 4

Currently, Parts 3 and 4 of the Act provide for the Consumer Advocacy Panel. Energy Consumers Australia (a company that is to be established) will take over the functions of the Consumer Advocacy Panel. Accordingly, Parts 3 and 4 of the Act are repealed.

8—Amendment of section 48—Certain Acts not to apply

These amendments are consequential.

9—Amendment of section 49—Regulations

This amendment enables the Governor to make regulations prescribing additional provisions of a saving or transitional nature consequent on the enactment of the S*tatutes Amendment (Energy Consumers Australia) Act 2014* (which may, if the regulations so provide, take effect from commencement of that Act or from a later day, but not so as to operate to the disadvantage of a person by decreasing the person's rights or imposing liabilities on the person).

Division 2—Transitional provisions

10—Interpretation

11—ECA to decide certain funding applications

12—AEMC to make grants in relation to certain funding applications

13—Criteria and guidelines

14—Amount held by AEMC for funding of Panel to be paid to ECA

15—Staff

16—Contracts, etc

17—Final reporting requirements associated with Panel

18—Transfer of certain records

19—Immunity from liability

20—Other provisions

This Division sets out various transitional provisions associated with the enactment of this measure.

Part 3—Amendment of National Electricity Law

21—Amendment of section 2—Definitions

These amendments are consequential.

22—Insertion of section 90E

The Minister will be authorised to make the first set of rules required for the purposes of Energy Consumers Australia (and the amendments related to Energy Consumers Australia).

23—Amendment of Schedule 1—Subject matter for the National Electricity Rules

Schedule 1 of the National Electricity Law is to be amended in order to include Energy Consumers Australia as a matter which may be the subject of rules under the law

24—Amendment of Schedule 2—Miscellaneous provisions relating to interpretation

This is a technical amendment relating to civil penalty provisions.

25—Amendment of Schedule 3—Savings and transitionals

Schedule 3 of the National Electricity Law is to be amended in order to include a transitional provision associated with the enactment of this measure.

Part 4—Amendment of National Gas Law

26—Amendment of section 2—Definitions

These amendments are consequential.

27—Insertion of section 294E

The Minister will be authorised to make the first set of rules required for the purposes of Energy Consumers Australia (and the amendments related to Energy Consumers Australia).

28—Amendment of Schedule 1—Subject matter for the National Gas Rules

Schedule 1 of the National Gas Law is to be amended in order to include Energy Consumers Australia as a matter which may be the subject of rules under the law.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

CRIMINAL LAW CONSOLIDATION (SEXUAL OFFENCES - COGNITIVE IMPAIRMENT) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:14): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

There is overwhelming evidence that people with a cognitive impairment are particularly vulnerable to sexual exploitation and other abuse, especially from those in a position of trust, power and authority. The existing law in South Australia is widely perceived as inadequate.

The *Criminal Law Consolidation (Sexual Offences-Cognitive Impairment) Amendment Bill 2014* is intended to address this inadequacy. The intention of the Bill is to protect persons with a cognitive impairment from sexual abuse and exploitation, especially by those in a position of trust, power or authority, whilst respecting the sexual autonomy of such persons.

The Bill introduces two new offences to the *Criminal Law Consolidation Act 1935*. First, to obtain either sexual intercourse or indecent contact through undue influence between a service provider and a person with a cognitive impairment. Secondly, the performance of an indecent act by a service provider without the consent of a person with a cognitive impairment or obtaining their consent to the act by undue influence. The penalty will depend upon the nature of the sexual activity. The offences exclude spouses or domestic partners.

If the service provider occupies a position of trust, power or authority, the presumption is that the offender exercised undue influence to obtain any consent from the person with a cognitive impairment. This presumption can be displaced on the balance of probabilities but only where 'the consent of the person was not obtained by reason of undue influence by the defendant.' The Bill uses the model of undue influence, drawing on the suggested approach of the Model Criminal Code Officers Committee, to define the offences.

Increasing access to justice for all South Australians is an important priority for the Government. In particular the Government has a proud history of supporting people with disability. The Government in June 2014 released its Disability Justice Plan with the aim 'to make the criminal justice system more accessible and responsive to the needs of people with disability.' The Plan provides for a comprehensive approach to improve access to the justice system for people with disability and provide increased support both in and outside court.

The Criminal Law Consolidation (Sexual Offences-Cognitive Impairment) Amendment Bill is intended to operate with other forthcoming legislative reforms and operational, cultural and training changes as part of the Disability Justice Plan to improve the position of persons with disability in the justice system and help ensure their equal treatment before the law.

The Bill draws on the extensive and fruitful consultation undertaken as part of the Disability Justice Plan, notably with the disability sector, and strikes a careful balance of the conflicting interests in this sensitive area.

Policy

Any offence to protect persons with a cognitive impairment from sexual abuse is inherently difficult to draft and needs to be carefully defined in light of the conflicting interests that arise. Whether or not specific offences to protect people with a cognitive impairment are appropriate is sensitive because, by removing the issue of consent, limits are arbitrarily imposed on their sexual rights. The aim of the Bill is to better protect the vulnerable in society, but to also respect the sexual autonomy of persons with a cognitive impairment.

The need to find this balance was highlighted by the Model Criminal Code Officers' Committee in 2001. This was a committee of experts including judges, prosecutors, defence lawyers, academics and lawyers from various Attorney-General's departments. The Committee received many submissions from interested parties and the disability sector.

The Committee emphasised the need to respect the sexual autonomy of persons with a cognitive impairment but accepted that in certain circumstances a specific offence was justified, namely where there was an inherent power imbalance between a person with a cognitive impairment and the offender and the breach of trust inherent in any sexual contact in this situation. The Committee suggested the focus of any offence in this area should be the exercise of undue influence.

The Bill draws on the views of the Victorian Law Reform Commission and the Committee and also the extensive consultation and comment, especially from the disability sector.

The underlying policy of the Bill is to protect persons with a cognitive impairment from undue influence and sexual abuse and exploitation, especially where the other party occupies a position of trust, power or authority over them, but crucially does so in a manner that does not undermine the sexual autonomy of persons with a cognitive impairment.

The Bill in Detail

The Bill introduces two new offences under the *Criminal Law Consolidation Act 1935*.

First, the Bill provides that a person who provides a service (whether for remuneration or not) to a person with a cognitive impairment is guilty of an offence if he or she obtains or procures by undue influence either sexual intercourse or indecent contact with that person.

Second, the Bill provides that a person who provides a service (whether for remuneration or not) to a person with a cognitive impairment is guilty of an offence if he or behaves in an indecent manner in the present of that person without the person's consent; or with the person's consent where that consent was obtained by undue influence.

This second offence is intended to reflect the offence of committing an act of gross indecency in the presence of a child. This second offence in the Bill covers the situation where there is no direct physical contact but the service provider performs an indecent act in the presence of the person with a cognitive impairment.

The Bill applies to the provider of any service to a person with a cognitive impairment, whether for payment or not. The Bill excludes spouses and domestic partners.

The Bill draws on the approach of undue influence suggested by the Committee but the Bill is not confined to carers given the problems and ambiguities with the modern usage of that term, especially in the disability sector. It applies to any service provider to a person with a cognitive impairment whether or not for remuneration. For example it would cover both the regular established transport provider to persons with a cognitive impairment as well as the one off transport provider such as a taxi or bus.

The Bill defines undue influence as 'including the abuse of a position of trust, power or authority.'

It is unhelpful to try and define undue influence any further. The presence of undue influence will be a question of fact and judgement in each case. It is inappropriate to rely on views as to what constitutes undue influence in the very different context of equity and civil law. Rather undue influence should be approached according to its plain and ordinary meaning having regard to the underlying policy of the Bill, namely to protect persons with a cognitive impairment from sexual exploitation or abuse while respecting their sexual autonomy.

It will be a question of fact in each case whether sexual intercourse, indecent contact or consent to the performance of an act of indecency has been either obtained or procured through the exercise of undue influence. Whether any influence exerted by a service provider amounts to undue influence will depend on the nature and degree of the cognitive impairment and the nature and degree of the influence or persuasion applied by the service provider.

If the service provider occupies a position of trust, power or authority, the presumption in the Bill is that the offender used undue influence to obtain or procure the sexual conduct in question. This presumption can be displaced on the balance of probabilities but only where 'the consent of the person was not obtained by reason of undue influence by the defendant.'

This presumption recognises that certain service providers by virtue of their status or the nature of their connection with a person will be particularly situated to exploit their situation and procure or obtain sexual conduct through undue influence. Such service providers should be held to higher standards than others.

The presumption of undue influence, drawing on the Canadian approach, will apply from the exercise and abuse of a position of trust, power or authority. The existence of a relationship of trust, power or authority is a question of fact in each case for the court and all of the circumstances of the relationship must be examined to determine the existence of an element of trust or power or authority, including the status of the accused, the age difference between the two parties, the evolution of the relationship and the circumstances under which the alleged offence was committed. The nature and extent of the cognitive impairment of the complainant will also be important in approaching this question under the Bill.

An example of the Bill's operation may be a taxi or bus driver. A one off transaction between such a service provider and a person with a cognitive impairment is highly unlikely to amount to a position of trust, power or authority and any offence under the Bill will only be committed if on the facts any sexual conduct has been obtained or procured by undue influence. But the regular established transport provider to a person with a cognitive impairment is likely to be in a position of trust, power or authority and undue influence will be deemed to exist in obtaining or procuring any sexual conduct unless the accused can establish that it was not.

The Bill does not need to make specific provision for particular service providers.

The Bill takes a flexible and inclusive approach to what will constitute a cognitive impairment. The Bill provides a non-exclusive list of conditions that might amount to a cognitive impairment. This approach was also suggested by the Model Criminal Officers Committee. This approach is to be preferred rather than relying on a narrow definition of 'cognitive impairment' to define the terms of the offences. By firmly placing the focus of the offence on the exercise of 'undue influence', it is unnecessary to define or limit the offences by reference to the type and degree of disability or impairment to be covered.

The maximum penalty, consistent with the comparable general sexual offence, will depend upon the nature of the sexual activity.

Different and sincere views will be held as to how far this Bill should or should not go. The Government has drawn on the views expressed during the extensive consultation process, notably from the disability sector. The Bill strikes a careful balance to better protect the vulnerable in society while not impinging on the sexual autonomy of people with disability. The Bill strikes the proper balance in this sensitive area.

I would like to thank the Honourable Kelly Vincent and her office for making themselves available for consultation during the drafting process of this Bill.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Insertion of section 51

This clause inserts new section 51 into the *Criminal Law Consolidation Act 1935* that creates 2 new offences in relation to the sexual exploitation of persons with a cognitive impairment.

Firstly, in proposed subsection (1), a person who provides a service (whether for remuneration or not) to a person with a cognitive impairment will be guilty of an offence if he or she obtains or procures, by undue influence, sexual intercourse or indecent contact with that person. This offence will be punishable with a maximum penalty of imprisonment for 10 years.

Secondly, in proposed subsection (2), a person who provides a service (whether for remuneration or not) to a person with a cognitive impairment will be guilty of an offence if he or she behaves in an indecent manner in the presence of that person either without the person's consent or with the person's consent where that consent was obtained by undue influence. This offence will be punishable with a maximum penalty of imprisonment for 3 years (in the case of a first offence) or 5 years (in the case of any subsequent offence).

Cognitive impairment is defined as including the following:

(a) an intellectual disability;

(b) a developmental disorder (including an autistic spectrum disorder);

(c) a neurological disorder;

(d) dementia;

(e) a severe mental illness;

(f) a brain injury.

For the purposes of both offences, a defendant who is, at the time of an alleged offence, in a position of power, trust or authority in relation to the victim of the offence, will be presumed to have obtained the consent of the victim by undue influence unless the defendant proves the contrary on the balance of probabilities.

The offences will not apply in relation to a person who is legally married to the person with a cognitive impairment or is the domestic partner of that person.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:15): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill amends the Independent Commissioner Against Corruption Act 2012. The amendments are made in response to specific requests from the Commissioner to clarify some provisions and to facilitate some operational aspects of the legislation. This Bill should not be seen as an opportunity to re-agitate the introduction of the 'reality TV' model of ICAC operating in New South Wales. The Government would rather lose this Bill than permit such an outcome. The Commissioner has urged the passage of this Bill, in its current construction, as a matter of urgency.

The Commissioner has had the benefit of 12 months of operational experience with this legislation so it is timely and appropriate to make amendments that will refine and improve some areas of the Act.

Most importantly, the Bill will clarify the confidentiality provisions of the Act. It is fundamental to the operation of the Act that information provided to the Commissioner and the Office for Public Integrity is dealt with on a strictly confidential basis. However, the confidentiality requirements of the Act have made administration of the Act difficult for the Commissioner and the OPI and has caused some confusion for inquiry agencies, public authorities and public officers. Two areas of the Act will be amended to address this. First, the Bill amends the definition of 'publish' because upon a broad interpretation of that definition, information could not be communicated person to person. The intention, which is to prevent information becoming public, will be clarified by the new definition of 'publish', consistent with the definition of 'publish' in the Evidence Act 1929 where the emphasis is on communication to the public. The second amendment to clarify the confidentiality provisions will simplify sections 54(1) and (2) to remove any doubt about when information can be disclosed without the Commissioner's authorisation.

The Bill will also amend a number of other provisions to put the intent beyond doubt. These include inserting a new subsection into section 14 of the Act to clarify that police officers, whilst seconded to assist the Commissioner, retain their full police powers and new definitions of 'private place' and 'private vehicle' to make clear what was intended as to who has the authority to issue such warrants. The Bill will also amend section 36 to make it clear that the Commissioner may disclose to the relevant law enforcement agency or public authority information that the Commissioner has in respect of a matter. The amendment will also enable the Commissioner to issue directions and guidance to a public authority on a referral under section 36.

The Bill will amend the Act in a number of ways to facilitate the operation of the scheme, including:

- allowing the Commissioner, by written notice, to authorise an investigator to inspect and take copies of financial records which is similar to the power under section 49 in the Evidence Act 1929;
- providing for the Commissioner to delegate a function or a power under section 31 to an examiner;
- amending section 25 to include a further matter that the Commissioner is to have regard to when considering whether it is in the public interest to make a public statement. Section 25 of the Act allows the Commissioner to make a public statement in connection with a particular matter if, in the

Commissioner's opinion, it is appropriate to do so in the public interest. The amendment will add to those matters: whether a person has requested that the Commissioner make the statement;

- allowing for the Commissioner or the Office for Public Integrity to request further information from an inquiry agency, public authority or public officer for the purposes of making an assessment;
- allowing for the person heading an investigation to require, by written notice, an inquiry agency, public authority or public officer to produce a written statement of information about a specified matter, or to answer specified questions. Section 28 currently does not allow for the investigator to require information from an inquiry agency or by way of answer to specified questions;
- expressly providing for evidence or information obtained by the Commissioner to be provided to and used by law enforcement agencies and prosecution authorities for the purposes of criminal investigation or proceedings and by public authorities for the purposes of disciplinary investigation or action. This amendment will put beyond doubt the use that can be made of information obtained through an examination or the exercise of other coercive powers;
- extending the period that a retention order applies from six months to a period of two years. The current limitation is insufficient given the extent of some investigations and time that material may need to be retained before proceedings are instituted for an offence relating to the material retained;
- removing the application of the designated period from items seized and retained by an investigator for the purposes of an investigation in corruption in public administration;
- providing for an investigator to return to a place where there is a retention order in place over a thing and to seize and retain that thing under the authority of the original warrant; and
- allowing, by agreement with the Police Commissioner, for persons performing functions under the ICAC Act to have access to confidential information and databases held by SAPOL for the purposes of assessments and investigations.

The Bill will also amend the Criminal Investigation (Cover Operations) Act 2009 to allow for an ICAC investigator to apply to the Commissioner to approve undercover operations for the purpose of an investigation under the ICAC Act and will amend the Crown Proceedings Act 1992 to remove the requirement for an examiner to give notice to the Crown Solicitor before issuing a summons to a Minister of the Crown to appear at an examination. Under the Crown Proceedings Act no subpoena or other process may be issued requiring a Minister of the Crown to appear, in the Minister's official capacity, to give evidence, or to produce documents, without the permission of the court, tribunal or other authority and permission may be granted only after the Crown Solicitor has been given reasonable notice in writing of the application for the subpoena or other process and a reasonable opportunity to be heard on the application. Clearly this process does not transfer comfortably into the examination process, where the summons for an examination is issued only for the purposes of an investigation into corruption in public administration where there are no parties, and the examination is conducted in private.

Finally, the Bill will amend Schedules 1 and 2 of the Act. The reference to employees under the Technical and Further Education Act 1975 will be removed from Schedule 1 because, as a result of the enactment of the TAFE Act SA 2012, which came into operation after the commencement of the relevant sections of the ICAC Act, these officers are now covered 'in the Schedule by reference to' an officer or employee of a statutory authority or statutory office holder and clause 3(9) of Schedule 2 will be amended to clarify the nature of the confidentiality orders that can be made by an examiner in relation to evidence or information given or received during an examination.

The Commissioner's well considered comments and suggestions have resulted in a set of amendments that will fine tune what has already proved to be a very successful legislative scheme.

I commend the bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Independent Commissioner Against Corruption Act 2012*

4—Amendment of section 4—Interpretation

Section 4 is amended to substitute a clearer definition of 'publish' and to define the term 'seconded' for the purposes of those provisions dealing with seconded police.

5—Amendment of section 7—Functions

This clause makes a minor drafting amendment to section 7 to make the wording consistent with that used elsewhere in the Act.

6—Amendment of section 14—Examiners and investigators

This amendment provides that a seconded police officer or special constable continues to exercise his or her powers under the *Police Act 1998* (and other laws) unless agreed between the ICAC and the Commissioner of Police.

7—Amendment of section 16—Delegation

This amendment allows delegation of the ICAC's powers under section 31 to an examiner.

8—Amendment of section 23—Assessment

This clause amends section 23 to allow the Office for Public Integrity or the ICAC to require, in assessing a matter, an inquiry agency, public authority or public officer to produce a written statement of information about a specified matter or to answer specified questions. Failure to comply is an offence punishable by a maximum fine of $10,000 or 2 years imprisonment.

9—Amendment of section 24—Action that may be taken

This clause is consequential to clause 18.

10—Amendment of section 25—Public statements

This clause amends section 25 to specify that the ICAC will, in determining whether it is in the public interest to make a public statement, have regard to whether any person has requested that the ICAC make the statement (in addition to having regard to the current matters specified in section 25).

11—Substitution of heading to Part 4 Division 2 Subdivision 2

This amendment is consequential to clause 17 and ensures that the 2 headings match in style.

12—Amendment of section 28—Production of statement of information

This clause slightly broadens section 28 so that the person heading an investigation into corruption in public administration may require an inquiry agency, public authority or public officer to produce a written statement of information about a specified matter or to answer specified questions.

13—Insertion of section 29A

This clause inserts a new section allowing the ICAC to authorise an investigator to inspect and take copies of financial records for the purposes of an investigation into corruption in public administration.

14—Amendment of section 31—Enter and search powers under warrant

These amendments clarify the definitions of 'private place' and 'private vehicle' in section 31.

15—Amendment of section 32—Seizure and retention order procedures

This clause amends section 32 to alter the provisions relating to seizure and retention orders, in particular to allow for subsequent seizure of an item that is subject to a retention order, to remove the references to the designated period from the provisions relating to seizure and to extend the minimum designated period for the purposes of the provisions relating to retention orders from 6 months to 2 years.

16—Amendment of section 36—Prosecutions and disciplinary action

This clause amends section 36 to clarify certain issues relating to referral of a matter to the relevant law enforcement agency for potential prosecution, or to a public authority for potential disciplinary action, during or after a corruption investigation and to allow the Commissioner to give a public authority directions and guidance in such a case (similar to the power to give directions and guidance on a referral under section 38).

17—Substitution of heading to Part 4 Division 2 Subdivision 3

This heading is changed to reflect the fact that under other amendments the Commissioner will be able to exercise the powers of an inquiry agency in relation to a matter without referring the matter.

18—Insertion of section 36A

This clause inserts a new section as follows:

36A—Exercise of powers of inquiry agency

The provisions relating to the Commissioner's ability to exercise the powers of an inquiry agency are removed from section 37 (which deals with referrals) and placed in a separate section so that the Commissioner will be able to exercise such powers without referring the matter.

19—Amendment of section 37—Referral to inquiry agency

This clause clarifies the application of section 37 and makes some amendments that are consequential to clause 18.

20—Amendment of section 38—Referral to public authority

This clause clarifies the application of section 38.

21—Amendment of section 43—Referral of matter etc does not limit performance of functions

This clause clarifies the wording of section 43.

22—Amendment of section 45—Commissioner's annual report

This amendment is consequential to clause 18.

23—Amendment of section 50—No obligation on persons to maintain secrecy

This clause makes a minor clarifying amendment to section 50.

24—Amendment of section 51—Arrangements for provision of information by Commissioner of Police and Police Ombudsman

This clause slightly broadens the provision relating to making arrangements, so that the arrangements can relate to any persons performing functions under the Act and are not limited to the Commissioner, the Deputy Commissioner, examiners and investigators.

25—Amendment of section 54—Confidentiality

This clause simplifies and clarifies the confidentiality provision.

26—Insertion of section 56A

This clause inserts a new section as follows:

56A—Use of evidence or information obtained under Act

This section will make it clear that evidence or information obtained lawfully under this Act may be used for law enforcement and disciplinary purposes.

27—Amendment of Schedule 1—Public officers, public authorities and responsible Ministers

This clause deletes an obsolete provision from Schedule 1.

28—Amendment of Schedule 2—Examination and production of documents and other things

This clause is consequential to the new definition of publish.

Schedule 1—Related amendments and transitional provision

Part 1—Related amendments to *Criminal Investigation (Covert Operations) Act 2009*

1—Amendment of section 4—Approval of undercover operations

This amendment would allow an investigator to apply to the ICAC to approve undercover operations for the purpose of an investigation into corruption in public administration under that Act where the suspected corruption involves, or may involve, serious criminal behaviour

Part 2—Related amendments to *Crown Proceedings Act 1992*

2—Amendment of section 14—Permission to issue certain subpoenas etc

This clause makes a minor clarifying amendment to section 14.

Part 3—Transitional provision

3—Application of section 15

This is a transitional provision dealing with the amendments in clause 15.

Debated adjourned on motion of Hon. J.S.L. Dawkins.

At 16:16 the council adjourned until Wednesday 19 November 2014 at 14:15.