LEGISLATIVE COUNCIL

Thursday, 2 August 2018

The PRESIDENT (Hon. A.L. McLachlan) took the chair at 11:00 and read prayers.

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to the land and community. We pay our respects to them and their cultures, and to the elders both past and present.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

Bills

LIMITATION OF ACTIONS (CHILD ABUSE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 July 2018.)

The Hon. C. BONAROS (11:02): I rise to speak in support of the Limitation of Actions (Child Sexual Abuse) Amendment Bill 2018. The bill, which amends the Limitation of Actions Act 1936 and abolishes the limitation period for claims for compensation for victims of child sexual abuse, has been a long time coming. Currently, the Limitation of Actions Act provides for a limitation period of three years for a person to bring a common law action in personal injury. This means a person who has suffered sexual abuse in childhood has until their 21st birthday to commence legal action against the perpetrator of the abuse.

The bill addresses statements made in the Royal Commission into Institutional Responses to Child Sexual Abuse—Redress and Civil Litigation report released in September 2015. In that report, the royal commission considered that state and territory governments should implement recommendations to remove limitation periods without delay. That was almost three years ago. The royal commission found that limitation periods are a significant and sometimes insurmountable barrier to survivors pursuing civil litigation. This is an unacceptable injustice that the bill serves to correct—finally.

The bill is recognition that current limitation periods are inappropriate, operating unreasonably to deny victims access to justice, especially given the length of time that many survivors of child sexual abuse take to disclose their abuse. Regrettably, the former Labor government failed to introduce the legislation. Instead, it fell to the Attorney-General, while she was in opposition, who introduced a private members' bill in September 2016, and the Hon. John Darley in this place, who introduced the bill of the same name in 2017, to achieve justice for survivors. I commend the Attorney-General for her initiative in advancing the legislation that we are now debating.

This bill differs slightly from the private members' bill the Attorney-General introduced in opposition, in that it takes into account all victims of sexual abuse and is not limited to survivors of sexual abuse in government and non-government institutions. This is a welcome addition to the bill because institutional child sexual abuse is only the tip of the iceberg. We must also acknowledge that the vast majority of abuse occurs within the family home and the family circle. If we fail to

acknowledge this, we are not just failing victims but failing society in general by not removing it completely from society.

According to ABS statistics from 2016, there were 21,380 victims of sexual assault recorded by police in Australia in 2015, the highest number recorded in some six years. These are staggering figures by anyone's measure. That is over 21,000 damaged and interrupted lives. While there is significant media focus on sexual assault incidents committed by strangers, the vast majority of sexual assaults, as noted, are perpetrated by someone known to the victim and, more disturbingly, a large proportion by a family member. This was highlighted in the 2016 ABS results, which reported that, in 2015, around three-quarters of sexual assault victims knew their offender—that is alarming, to say the least—while for around one-third of sexual assault victims the offender was a family member.

The overwhelming majority of perpetrators are male. The most common age of offending for men who have sexually abused children is men aged in their 30s and 40s, according to criminologists and psychologists, and there is a terrible reason why. Professor Stephen Smallbone of Queensland's Griffith University says:

> That's a time where there is a particular set of opportunities which hadn't been previously available…So for a man in his 30s or 40s, that's an age when he's likely to first have his own children, who are coming into the peak risk age of sexual victimisation of around 12, 13, or 14.

At this age, simply put, men are more likely to be around children at home, either their own or someone else's. According to Professor Smallbone's research, in 70 to 80 per cent of all child sexual abuse cases there is some sort of family relationship between the child victim and the offender. Around 15 per cent of those abusers are the victim's biological father. The rest are boyfriends or stepfathers or other adult males in an authority role. We need to make the strong point that the most dangerous place for a child at risk of sexual abuse is in fact in the family unit. People do not like to hear it because it is too close to home. We do not want to think that those whom we love, grew up with and care for are sick, perverse paedophiles.

We need to be teaching our children that, if they are inappropriately touched in any way, they must tell someone. Many victims do not disclose child sexual abuse until many years after the abuse occurred, often when they are well into adulthood. Some victims never disclose it at all. We know from the royal commission that many survivors disclosed their abuse for the first time before the commissioners decades after they had suffered from sexual abuse. Survivors who spoke to the commissioners during one of the 8,013 private sessions took an average of 23.9 years to tell someone about the abuse they had sustained. Men often took longer to disclose than women. The average for females was 20.6 years and the average for males was 25.6 years.

These reasons for disclosure are varied and complex. Disclosure of abuse is difficult and traumatic for the vast majority of survivors, whether the abuse occurred when they were children or as adults and whether they disclosed the abuse themselves or it was uncovered in other ways. Those survivors who shared their harrowing histories with the royal commission did so because they wanted the abuse to stop or they wanted to prevent it from happening to others. Other survivors disclosed because they could no longer carry the burden of the secrecy of sexual abuse.

Whether, when, how and to whom a victim discloses is influenced by their age, developmental stage, disability, gender, cultural or linguistic background, the relationship between the victim and the perpetrator, the severity of the abuse and the perceived risks associated with disclosure. All these factors contribute to whether victims report their experiences and when this is likely to happen. Underlying these factors is the vulnerability of a child and the inherent power imbalances and complex institutional environments that they are required to understand and overcome in order to disclose an abuse.

It is a lot for a child to overcome, when they are up against, in the case of the Catholic Church, arguably the most powerful institution in the world. Within the walls of the Catholic Church there was never a whistleblower, there was never someone who had the courage and integrity to break ranks. Theirs was a shocking, appalling, unforgivable unholy silence. Instead, perverse paedophile priests were protected, moved on to continue their offending in other parishes because those who knew elevated the need to protect the church from scandal over the need to protect children from harm.

Those who knew preferred to be complicit than to be courageous. Those who knew preferred to look the other way, so that the paedophile priests could evade justice rather than face judgement.

It was an era that spanned six decades, when priests were revered, respected and never, ever questioned. In this toxic environment, children either did not disclose, were silenced, ignored or not believed. I remind my colleagues that victims of sexual abuse within the Catholic Church represented 60 per cent of all the victims who bravely came forward to share their unflinching, intensely personal stories of abuse to the royal commission. Damning figures from the royal commission show that 7 per cent of priests abused children between 1950 and 2010. In one Catholic order, St John of God Brothers, 40 per cent of clergy were alleged perpetrators, while one in five Marist and Christian Brothers were the subject of allegations. Jesus must be weeping.

While the Catholic Church was only one of the many institutions to be examined by the royal commission, the church's behemoth size and power allowed the abuse to continue unabated for over half a century. The abuse and its cover-up in the Catholic Church, horrific in itself, was further compounded by the church's response to survivors, hiring top QCs, like fierce criminal barrister Chester Porter, to tear victims to shreds, backed by the most expensive corporate law firms to fight claims of sexual abuse. Instead, this powerful religious machine preferred to denigrate and demoralise victims even further than provide restorative justice and redress.

The royal commission heard how lawyers acting on the Catholic Archdiocese of Sydney's instructions vigorously fought child sexual abuse survivor John Ellis through the courts, running up bills of $1.5 million despite his wife writing to the church warning them of his fragile psychological state and his willingness to settle for a mere $100,000. It was Cardinal Pell himself, the centre of serious criminal charges currently, who gave the green light for the church's vigorous fight against John Ellis.

Where did the church obtain this money for the QC's fees, I wonder? Did any of it come from the parents of abuse victims who put it into collection plates at mass on Sundays? The church's failure to comprehend the depth of damage done to victims, their families and the church community will be its undoing. The refusal of former Archbishop of Adelaide Philip Wilson to resign from his role until this week is illustrative of the church refusing to understand just how profound the impact of abuse is on survivors.

Wilson's resignation comes a month after he was found guilty of concealing child sexual abuse. Indeed, he is one of the most senior Catholic leaders in the world to be found guilty of concealing sexual abuse against children. The resignation came days after Prime Minister Malcolm Turnbull called on the Pope to sack Wilson and only serves to show that the Catholic Church is in a realm of its own, answerable only to itself.

Wilson should have been sacked by Pope Francis rather than being able to resign. Unfortunately, Rome still sees itself as the judge and protector of its priests, but Rome must respect our law. This applies equally to all religions. What a strong and powerful message it would have sent to the Catholic community and broader community throughout the world had the Vatican been prepared to dispense with a convicted criminal.

I cannot reiterate the importance of disclosing, and particularly disclosing early, as it can immediately commence the important process of ensuring safety and protection for victims, taking steps to ensure the abuse is stopped and reducing the risk to other potential victims. Disclosure is important for victims as well as the institutions involved, other children and the broader community.

Bush poet Corin Linch has spoken about why survivors do not disclose, and I quote:

> Most like myself are silent for years, some never speak up. It has taken me the best part of 50 years to be open and admit that I was sexually abused as a boy and on through my teenage years by various men.
>
> You may well ask why I did not speak out earlier. The answer is simple, shame and guilt. Both misplaced feelings I have finally learned but they have eaten away at me for years and I believe affected the person I became.
>
> Depression has dogged me for years but I truly believe I have beaten it, I have survived and I am proud of that fact.

When former prime minister Julia Gillard established the Royal Commission into Institutional Responses to Child Sexual Abuse, she accused pillars of the establishment of averting their gaze.

Australian of the Year David Morrison told his army colleagues, 'The standard you walk past is the standard you accept.' We do accept things we should not. We do avert our gaze from time to time, but we know not to. The Royal Commission into Institutional Responses to Child Sexual Abuse has taught us that we must never avert our gaze again.

The Hon. D.G.E. HOOD (11:16): I rise to express my unequivocal support for this bill, which seeks to abolish the limitation of actions period with respect to claims of child sexual abuse, fulfilling what I would consider one of the Marshall Liberal government's most important election commitments.

The proposed changes to legislation are, of course, a response to the recommendations from the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse, which found our current civil justice system to be operating unreasonably, failing many victims of this abhorrent and inexcusable form of abuse.

The government is imploring members to facilitate the swift passage of this bill, particularly given South Australia is the only jurisdiction in the nation that is yet to remove a time limitation for civil litigation involving this type of abuse or personal injury. This is, of course, notwithstanding the Attorney-General's previous attempts whilst in opposition to introduce similar changes, specifically for victims of institutional child sexual abuse following the Nyland royal commission, which regrettably never had the chance to be debated, in any event, and was not supported by the former government.

At present, victims of child sexual abuse have just three years to bring a common law action in personal injury between their 18th and 21st birthdays, pursuant to the Limitation of Actions Act 1936. The provisions in the bill will enable survivors of child sexual abuse who have fallen victim to predatory behaviour not only within state and nonstate institutions but in any given circumstance to be afforded the right to pursue civil claims at any point in time, ensuring no victim is ever denied the justice they seek and deserve. The abolition of the limitation period will apply retrospectively, with courts also being granted the discretion to re-litigate matters that are dismissed due to the restriction.

In my estimation these are very logical reforms, since there are certainly a myriad of reasons why someone who has experienced sexual abuse as an adolescent may not feel they are in a position to even share details of their ordeal with someone they trust until years into their adulthood, let alone take legal action against the offender. Sometimes these things can just take time.

Indeed, they may be too fearful, threatened, ashamed or feel they will simply not be believed. It is also possible for victims to not even remember details of what occurred or, in some cases, realise that what had happened to them was abuse, or perhaps even that exposing their mistreatment would have serious and significant ramifications for their families, loved ones or other relationships.

Statistics reveal that abuse of this nature occurs more often than not between those who are in a familial relationship or, at the very least, know one another. As we have also unfortunately witnessed all too often the abuser might also be in a high profile or powerful position and the victims may not wish to subject themselves to scrutiny until after careful consideration of any potential repercussions. As legislators the very least that we can do is to relieve victims of any pressure to engage formal legal proceedings before they are well and truly ready to do so.

Although the effects of this bill will not only benefit survivors of institutional child sexual abuse it is important to note that it will provide these potential claimants with another option of redress in addition to that which is offered to South Australians through ex gratia payments through the National Redress Scheme. I am aware that the Attorney-General expects that most victims will seek compensation through participating in the newly-adopted national scheme but there may be occasions where achieving recompense through the court system is either preferable or necessary, particularly in cases where liable institutions have ceased operating.

As honourable members may recall, I had the privilege of speaking last week to the Hon. Frank Pangallo's motion concerning the Redress Scheme where I reiterated the government's resolve to fully participate in the program as reflected in its recent introduction of the National Redress Scheme for Institutional Child Sex Abuse (Commonwealth Powers) Amendment Bill. The passage of this bill will facilitate the implementation of the National Redress Scheme in our state and support its consistent operation throughout Australia, which is essential in acknowledging the unimaginable

pain and suffering experienced by those subjected to the most detestable and destructive forms of abuse in a tangible and meaningful way.

In my contribution to the motion I made reference to the royal commission's finding that it took survivors almost 24 years, on average, to disclose the abuse they had suffered. In 2002, members of the Fiftieth Parliament recognised the propensity for survivors not to disclose their experiences until decades after the fact, and they were engaging in a very similar discussion to that which we are having today. Thankfully, they saw reason and unanimously voted for the removal of the 20-year statute of limitations for the prosecution of child sexual offences.

Some members present in this place at the moment may recall that this was as a result of legislation introduced by my former colleague, the Hon. Andrew Evans, who attributes the success of this initiative to be one of the greatest achievements of his parliamentary career. I certainly agree with this assertion. As a result of his simple yet incredibly impactful reform it has enabled many survivors of child sexual abuse to obtain justice and hopefully some sense of closure following their traumatic ordeals. We are now presented with another opportunity to work in a multipartisan fashion in their best interests and to ensure that South Australia finally falls in step with all other states and territories by removing an unwanted barrier to justice.

The instance of sexual abuse against vulnerable and innocent children is unfortunately a very sad reality within our community, and this state government intends to fulfil its responsibilities through the introduction of all appropriate measures to assist victims in their endeavours to thrive and not merely survive. I support the bill.

Debate adjourned on motion of Hon. T.J. Stephens.

SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL

Final Stages

The House of Assembly agreed to amendments Nos 1, 4, 17 and 19 made by the Legislative Council without any amendment; disagreed to amendments Nos 2, 3, 6 to 16, and 18; and made the alternative amendment as indicated in the following schedule in lieu thereof.

Schedule of the Amendments made by the Legislative Council to which the House of Assembly has disagreed

No. 2. Clause 3, page 3, after line 8—Insert:

referring authority, in relation to a matter referred to the Commission for inquiry, means the Minister or a House of Parliament (as the case may be).

No. 3. Clause 5, page 3, after line 36 [clause 5(2)]—Insert:

(ab) to hold inquiries and report on matters referred, by resolution, by either House of Parliament;

No. 6. Clause 8, page 4, after line 19—Insert:

(2) A person may only be appointed as a Commissioner if, following referral by the Minister of the proposed appointment to the Statutory Authorities Review Committee established under the *Parliamentary Committees Act 1991*—

(a) the appointment has been approved by the Committee; or

(b) the Committee has not, within 21 days of the referral, or such longer period as is allowed by the Minister, notified the Minister in writing that it does not approve the appointment.

No. 7. Clause 14, page 6, lines 10 to 26—Delete clause 14 and substitute:

14—Disclosure of pecuniary or personal interest

(1) A Commissioner who has a pecuniary or personal interest in a matter being considered or about to be considered by the Commission must, as soon as possible after the relevant facts have come to the Commissioner's knowledge, disclose the nature of the interest at a meeting of the Commission.

Maximum penalty: $25,000.

(2) A Commissioner who has a pecuniary or personal interest in a matter being considered or about to be considered by the Commission—

(a) must not vote, whether at a meeting or otherwise, on the matter; and

(b) must not be present while the matter is being considered at the meeting.

(3) Subsection (2) does not apply if—

(a) a Commissioner has disclosed an interest in a matter under subsection (1); and

(b) the Commission has at any time passed a resolution that—

(i) specifies the Commissioner, the interest and the matter; and

(ii) states that the Commissioners voting for the resolution are satisfied that the interest is so trivial or insignificant as to be unlikely to influence the disclosing Commissioner's conduct and should not disqualify the Commissioner from considering or voting on the matter.

(4) Despite section 15, if a Commissioner is disqualified under subsection (2) in relation to a matter, a quorum is present during the consideration of the matter if at least half the number of members who are entitled to vote on any motion that may be moved at the meeting in relation to the matter are present.

(5) The Minister may by instrument in writing declare that subsection (2) or subsection (4), or both, do not apply in relation to a specified matter either generally or in voting on particular resolutions.

(6) The Minister must cause a copy of a declaration under subsection (5) to be laid before both Houses of Parliament within 14 sitting days after the declaration is made.

(7) Particulars of a disclosure made under subsection (1) at a meeting of the Commission must be recorded—

(a) in the minutes of the meeting; and

(b) in a register kept by the board which must be reasonably available for inspection by any person.

(8) A reference in subsection (2) to a matter includes a reference to a proposed resolution under subsection (3) in respect of the matter, whether relating to that member or a different member.

(9) A contravention of this section does not invalidate any decision of the Commission.

(10) Section 8 of the *Public Sector (Honesty and Accountability) Act 1995* does not apply to a Commissioner.

No. 8. Clause 20, page 8, lines 3 and 4 [clause 20(1)]—

Delete 'the Minister, by written notice, refers to the Commission.' and substitute:

—

(a) the Minister, by written notice, refers to the Commission; or

(b) either House of Parliament, by resolution, refers to the Commission.

No. 9. Clause 20, page 8, line 5 [clause 20(2)]—After 'written notice' insert:

or resolution (as the case requires)

No. 10. Clause 20, page 8, line 6 [clause 20(3)]—Delete 'The Minister' and substitute 'The referring authority'

No. 11. Clause 20, page 8, line 7 [clause 20(3)(a)]—Delete 'Minister' and substitute 'referring authority'

No. 12. Clause 20, page 8, line 14 [clause 20(4)]—Delete 'Minister' and substitute 'referring authority'

No. 13. Clause 21, page 8, after line 18 [clause 21(2)]—Insert:

(aa) the referring authority; and

No. 14. Clause 21, page 8, line 25 [clause 21(3)]—Delete 'Minister' and substitute 'referring authority'

No. 15. Clause 22, page 8, line 29 [clause 22(1)]—Delete 'Minister' and substitute 'referring authority'

No. 16. Clause 23, page 8, lines 35 and 36 [clause 23(1)]—

Delete 'to the Minister' and substitute:

—

(a) in the case of an inquiry referred by the Minister—to the Minister; or

(b) in the case of an inquiry referred by a House of Parliament—to the presiding member of the relevant referring House.

No. 18. Clause 23, page 9, after line 4—Insert:

(4) The Chair must, at least once in each year and at such other times as is required, appear before the Economic and Finance Committee established under the *Parliamentary Committees Act 1991* in relation to a report on any inquiry conducted by the Commission.

No. 19. New clause, page 9 after line 24—Insert:

26—Review of Act

(1) The Minister must cause a review of this Act and its administration and operation to be conducted on the expiry of 3 years from its commencement.

(2) The review must be completed within 6 months and the results of the review embodied in a written report.

(3) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after receiving the report.

Schedule of the Amendment made by the Legislative Council to which the House of Assembly has disagreed and Amendments made in lieu thereof

Legislative Council's Amendment

No. 5. Clause 5, page 4, after line 4 [clause 5(2)]—Insert:

(da) to hold inquiries, either on referral by the Minister or on its own initiative, on the implementation of the principles of competitive neutrality in relation to South Australian government businesses and business activities and to report to the Minister on such inquiries;

House of Assembly's Amendments in lieu thereof

No. 1. Clause 5, page 4, after line 5 [clause 5(2)]—Insert:

(ea) to conduct investigations on receipt of complaints alleging infringements of the principles of competitive neutrality under the *Government Business Enterprises (Competition) Act 1996*;

No. 2. New Schedule, page 9, after line 24—Insert:

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

In this Schedule, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Government Business Enterprises (Competition) Act 1996*

2—Insertion of section 15A

Before section 16 insert:

15A—Interpretation

(1) In this Part—

Chair means the Chair of the Commission;

Commission means the South Australian Productivity Commission established under the *South Australian Productivity Commission Act 2018*.

(2) For the purposes of this Part, a reference to a *Commissioner* includes a reference to a Commissioner appointed under the *South Australian Productivity Commission Act 2018* (and sections 6(2) and 7 apply to such a Commissioner for the purposes of an investigation under this Part).

3—Amendment of section 17—Complaints

(1) Section 17(1)—delete subsection (1) and substitute:

(1) A person that competes, or seeks to compete, in a particular market alleging an infringement of the principles of competitive neutrality by a government or local government agency may make a complaint to the Minister or the Commission.

4—Amendment of section 18—Assignment of Commissioner

(1) Section 18(1)—after 'neutrality' insert 'received by the Minister '

(2) Section 18—after subsection (1) insert:

(1a) The Chair may assign a Commissioner appointed under the *South Australian Productivity Commission Act 2018* to investigate complaints of infringements of the principles of competitive neutrality received by the Commission.

(3) Section 18(2)—after 'the Minister' wherever occurring insert 'or the Chair '

5—Amendment of section 19—Investigation of complaint by Commissioner

Section 19(3)—after paragraph (a) insert:

(ab) the Commission; and

6—Amendment of section 21—Annual Report

(1) Section 21—after 'this Act' second occurring:

by a Commissioner appointed under Part 2

(2) Section 21—after its present contents (now to be designated as subsection (1)) insert:

(2) The annual report of the South Australian Productivity Commission under the *South Australian Productivity Commission Act 2018* must include a report on the investigations carried out under Part 4 by a Commissioner appointed under the *South Australian Productivity Commission Act 2018* for the relevant financial year.

No. 3. Long title, page 1—

After 'Commission,' insert:

to make related amendments to the *Government Business Enterprises (Competition) Act 1996*

EVIDENCE (JOURNALISTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 July 2018.)

The Hon. R.I. LUCAS (Treasurer) (11:25): I thank honourable members for their indications of support for this bill. I will briefly address a couple of points that have been raised in the second reading debate. The Hon. Mr Pangallo expressed concern that the ability in the bill for a court to make an overriding order for disclosure of the journalist's source on its own motion without the need for an application from a party to proceedings is out of step with other jurisdictions and gives the court too great a discretion.

The reason for including the 'on its own motion' power in the bill is to reflect the fact that this bill applies the shield protection more broadly beyond traditional court proceedings to courts and proceedings as defined in the South Australian Evidence Act, which will include a tribunal, authority or person invested by law with judicial or quasi-judicial powers and proceedings where evidence is taken.

As previously stated, this includes ICAC hearings but also royal commissions and Australian Crime Intelligence Commission examinations. In those types of hearings, there will generally be no opposing party who would be seeking to obtain disclosure of the identity of the source. Rather, it

would be the investigating body, for example, ICAC or the Australian Crime Intelligence Commission, applying a public interest test and needing to be satisfied that that body's need to know and the public interest in knowing the identity of the source, for example, to properly investigate a serious allegation of corruption or to investigate serious and organised crime, outweighs in the particular circumstances the public interest in protecting sources.

However, while emphasising the need for the own motion power in these non-traditional court proceedings, the government remains concerned to ensure that the protections afforded to journalists and their sources by this bill are as robust as they can be. Therefore, I indicate that the government intends to support amendments filed by the Hon. Mark Parnell—

The Hon. M.C. Parnell: Good call.

The Hon. R.I. LUCAS: I thought you might say that—that would limit the circumstances where the shield can be displaced by a body on its own motion to the types of proceedings where there will not be a party in a position to make the application for disclosure. I again thank members for their contributions and look forward to the expeditious passage of this important legislation.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. M.C. PARNELL: I move:

Amendment No 1 [Parnell–1]—

Page 2, clause 3, lines 16 to 18 [clause 3, inserted section 72(1), definition of *journalist*]—Delete the definition and substitute:

> *journalist* means a person who is engaged and active in the publication of news and who may be given information by an informant in the expectation that the information may be published in a news medium;

I appreciate that the council has a couple of matters to consider. There is this particular amendment; there are some related amendments; and, there are the amendments of the Hon. Frank Pangallo, and they all go to the threshold question of what is a journalist and what category of work, if you like, or what type of person ought be able to be protected by the shield law.

The definition that I am proposing is slightly different from that in the original bill in a couple of respects, but I will say at the outset that the definition I have put forward is one that was championed by media organisations themselves. They wrote to all members of parliament, and this was their suggestion for the definition of journalist.

I would also say, by way of introduction, that there does appear to be a degree of commonality about the types of people we think are not journalists. The general thinking, I think, was that the casual blogger, the occasional person who participates in online discussion forums, the person who occasionally tweets or puts up a Facebook post, is not a journalist, that there is a higher standard to be met.

The standard I am proposing is that a journalist is a person who is engaged and active in the publication of news, and who may be given information by an informant in the expectation that the information may be published in a news medium. The government's definition is simpler in a way in that it talks about someone who is 'engaged in the profession or occupation of journalism', which is not defined, 'in connection with the publication of information in a news medium'.

The other aspect of the government definition is that the definition is itself subject to modification by regulation and, whilst I will address that particular issue in more detail later, I just make the point that the approach that the Greens take in this bill, as we take in many other bills, is that, whilst it should be possible for the executive through regulation to add to the range of people who gain the protection of a certain law, it should not be appropriate for the executive, through

regulation, to weaken the law or to take people out of the definition. That is what the bill currently says, where, in clause 3(2) it says:

> The regulations may specify classes of persons who are deemed to be included in, or excluded from, the definition of journalist...

Now, that means—and it is not just this act or this bill—that, in lots of legislation, the work of this parliament can be completely and utterly undone by the executive through regulation by simply excluding vast categories of people from the protection of the law.

Members might think, 'Well, hang on, those regulations, of course, are disallowable,' but, as we know, that power is a very blunt instrument. A regulation that is gazetted at the start of the summer break or the winter break will not be able to be disallowed for some considerable period of time. We also know that, even when a disallowance motion is successful, governments can reintroduce the same regulation.

My favourite goes back—the Treasurer will remember this—many, many years: I think it was a regulation about school fees and whether school fees could be compulsorily collected from parents in state schools. My recollection—it was before my time in this place—is that the regulations were disallowed and continually reintroduced. The result was that the law was valid for three-quarters of the year and invalid for one-quarter of the year. That is a ludicrous way to go.

I know I said I would talk about it in more detail later; I will not now because I am talking about it now. Basically, we are not happy with the ability of the government, through regulation, to diminish the category of people who fall within the definition of journalist, but we are happy for the government to expand on the definition and therefore the range of people who are included in that definition. So I move the amendment. Like I said, this is the preferred wording from the combined media organisations that have written to all members of parliament.

The Hon. R.I. LUCAS: I indicate that the government opposes this particular amendment. This amendment will substitute the definition of journalist in the bill, which is based on the definition used in New South Wales, Victoria and Western Australia, with the wider definition based on the commonwealth definition. The intention of the bill is to limit the application of the journalist shield law to persons engaged in the profession or occupation of journalism, whether that be on an employed or freelance basis, while at the same time ensuring that the definition does not limit the application of the protection to traditional forms of journalism, such as print and TV media.

The Hon. Mr Parnell's proposed wider definition could apply to a part-time citizen blogger contributing to a website that may fall within the definition of a news medium for the purposes of the legislation. Professional journalists are generally bound by standards of practice and a code of ethics that requires them, for example, to aim to attribute information to a source and to consider an informant's motives and alternative sources before agreeing to anonymity.

A concern with the wider definition in the amendment from the Hon. Mr Parnell is that it could allow unscrupulous people, not bound by journalists' ethics, to seek to hide behind the protection—for example, to defame a person as part of a personal vendetta—and claim to have been given the information by a source, who in fact may be fictitious, or to facilitate a source with such ulterior motives.

The Hon. F. PANGALLO: I take note of the Hon. Mark Parnell's amendment and I am happy to support his amendment. The intention here would be to include rather than not exclude people in that area, so I am happy to support Mr Parnell's amendment.

The CHAIR: Does that mean that you will not be moving your own amendments?

The Hon. F. PANGALLO: No. 1?

The CHAIR: Yes, amendment No. 1 [Pangallo-1].

The Hon. F. PANGALLO: Yes, Nos 1 through to 3.

The CHAIR: At the moment, we are just considering amendment No. 1 [Pangallo-1], so are you not going to move that?

The Hon. F. PANGALLO: I will not be moving that one.

The CHAIR: You will be supporting the Hon. Mr Parnell. Leader of the Opposition.

The Hon. K.J. MAHER: As I indicated in my second reading contribution, we have had submissions stating the merits of both expanding and contracting the definition of journalist; that is, as the Hon. Mark Parnell's amendment seeks to do and, similarly, as the Hon. Frank Pangallo's rival amendment would seek to do, to increase the number of people who might be covered by the definition of journalist, which is more consistent with the commonwealth act.

We have also had those who have made representations that it should be further limited in its scope than what appears in the bill. As I think I said in my second reading speech, that is limited further to perhaps membership of a professional body or a requirement to adhere to a code of ethics in relation to journalist standards. We have reservations about the regulation-making power, both about being able to expand it and contract it by regulation. As the Hon. Rob Lucas has said in this chamber a number of times, things should be in bills rather than by regulation where that is able to be done. However, regulations are disallowable instruments, so if there was overreach in terms of contracting, or for that matter expanding it too far, it is up to a house of parliament to do that.

On balance, the opposition will be supporting the government's definition of journalist and not supporting either of the rival amendments from SA-Best or the Greens. That does not mean we think it is perfect and if there is evidence that this is not working in the future, we are, as opposition, very open to coming back to parliament and making amendments to the legislation if there are things that are not working with it. But, as the Hon. Rob Lucas has said, in a few, and I think it is probably the majority, of other state jurisdictions the definition is substantially similar to what appears in the bill.

The Hon. J.A. DARLEY: For the record, I will be supporting the Hon. Mark Parnell's amendment.

Amendment negatived.

The CHAIR: Hon. Mr Pangallo, just to confirm, you are not going to proceed with amendments Nos 2 and 3 standing in your name?

The Hon. F. PANGALLO: That is correct, Chair.

The Hon. M.C. PARNELL: I move:

Amendment No 2 [Parnell–1]—

Page 3, clause 3, line 6 [clause 3, inserted section 72(2)]—Delete ', or excluded from,'

Reflecting a little on what the opposition has just said, I accept that the main amendment, the definition of 'journalist', will stay as it is. The Hon. Kyam Maher referred to the regulation-making power—it was not clear to me, from his remarks, whether he was happy for regulations to restrict the definition of 'journalist' or whether he might be minded to remove that part of it. Certainly, what was in my mind in terms of this amendment—to remove the ability of the government to narrow the definition—is that that will cause less people to be protected than the parliament has decided should be, just now.

What we know, from all manner of things happening in society, is that there are unknowns—there are things that we do not know out there. There are people who will come to be regarded as journalists who we have not quite thought of yet. Just as we have seen in development, no-one ever thought anyone would build a wind farm, so the planning laws did not cover it. We still have a situation where people never thought about a solar farm, so the planning laws never covered it. I think there should be scope for the government to step in and to expand the range of people who are protected by the bill and are included in the definition of 'journalist', but just not allow them to take it in the other direction and to disenfranchise or remove the shield from people by virtue of executive action.

The Hon. Kyam Maher referred to disallowable instruments—it is a very blunt tool that we have to disallow, and regulations can still cause great damage in individual situations in those windows of opportunity when they are live law and have not yet been disallowed. This amendment, very simply, allows the regulations to specify classes of persons who are deemed to be included in the definition of 'journalist', but it does not allow them to exclude people from that definition.

The Hon. R.I. LUCAS: I am advised the government opposes this amendment. The effect of this amendment would be to preclude the making of regulations to exclude classes of persons from the definition of 'journalist' in the bill. The reason for including the ability in subsection (2) to prescribe classes of persons in or out of the definition of 'journalist' was to allow sufficient flexibility to respond to rapid evolution in modes of public communication. That is, to limit the definition to persons who are journalists by profession or occupation, whilst at the same time ensuring that the definition allows for rapidly evolving online platforms for journalism and the shift away from traditional forms of news towards new modes of public communication such as blogs and tweets. In the wake of those developments, it may be necessary to exclude people engaging in certain types of activities that we cannot now foresee, from being otherwise within the scope of the definition.

The Hon. K.J. MAHER: I have a question for either the mover or maybe the government, whoever can answer or gets up first. Does the commonwealth definition of 'journalist' include any regulation-making power?

The Hon. R.I. LUCAS: In the absence of the Hon. Mr Parnell jumping up, I am advised that the answer is no.

The Hon. M.C. PARNELL: I thank the minister for the answer. I did not have the commonwealth regulations in front of me. I will respond very quickly to what the minister said. If his intention was purely that the outcomes he described would come about, that might be fair enough, but that is not what this says. Basically, if the government decided, through regulation, for example, that *Today Tonight* reporters were to be excluded from the definition of 'journalist', I cannot see why they would be precluded from doing that.

The question we have to ask ourselves is: having passed the definition of 'journalist' just now, which bit of that definition did we just get wrong? If we have got it wrong or if it could have been better, we are allowing the executive to completely undermine it. If they want to pass a regulation saying that print journalists who work for News Corporation are no longer to be regarded as journalists, they could get away with that in regs. We would disallow it sometime into the future, but before that time damage could have been done. The shield could have been lifted and the journalist could be in gaol.

The Hon. K.J. MAHER: I thank the Hon. Mark Parnell particularly for his contribution. Having heard the debate and because of the way the amendment is drafted, the opposition will not be supporting the Hon. Mark Parnell. If he was minded, though, to perhaps move it in an amended form that would not allow any regulation-making power at all, for inclusion or exclusion, that would be something the opposition would support.

The Hon. M.C. PARNELL: I am not sure I need to do that because I think the Hon. Frank Pangallo's amendment No. 3 does that. If that is the situation, I accept that I do not have the numbers for my amendment. I will get behind the Hon. Frank Pangallo's amendment No. 3, which removes the regulation-making power altogether.

An honourable member: I think he has withdrawn it.

The CHAIR: Honourable members, he has not withdrawn it.

The Hon. M.C. Parnell: No, he has not withdrawn it.

The CHAIR: He decided, at that moment in time, not to move it. The Hon. Mr Pangallo has not withdrawn his amendment.

The Hon. K.J. MAHER: I indicate that the opposition will not be supporting the Hon. Mark Parnell's amendment, but does see merit in the point that, however unlikely the hypotheticals given by the Hon. Mark Parnell, they are within the realms of possibility. We do not legislate for the best possible case scenario; we legislate to keep power in check, where necessary. On that basis, we will not be supporting the Hon. Mark Parnell's amendment. However, with regard to the Hon. Frank Pangallo's third amendment, we indicate that we will be supporting SA-Best. We think it is a good idea to remove the regulation-making power so that it is what it says it is, no more and no less.

If there is a problem and if there are new technologies that emerge, as the government has said, we are happy to pass the definition as it stands. However, we do not rule out the possibility,

and it might even be quite soon if it is found that there are deficiencies in it, to come back and look at it again. On that basis, we support the Hon. Frank Pangallo. We are happy to support SA-Best and their third amendment, but not the Hon. Mark Parnell's.

The CHAIR: The Hon. Mr Pangallo, have you had a change of heart?

The Hon. F. PANGALLO: Yes. I move:

Amendment No 3 [Pangallo–1]—

Page 3, lines 5 to 7 [clause 3, inserted section 72(2)]—Delete subsection (2)

The CHAIR: Honourable members, there are two ways I can do this. Mr Parnell, you can indicate that you are going to withdraw your amendment or you can continue to pursue it, and then I have a more complicated series of questions to put to the committee. I am not trying to sway you either way.

The Hon. M.C. PARNELL: Thank you. I understand where the numbers lie, so I just want to put on the record that I think my approach was still the best approach, but in the interests of proceeding with this debate, I am happy to withdraw it now.

The Hon. R.I. LUCAS: As we move on through the committee, I just want to address the Hon. Mr Pangallo's amendment. The government's position is to oppose the amendment, but, on behalf of the government, we are not going to die in a ditch on this particular issue. We recognise the numbers in the chamber and therefore will not be dividing. The reality is that if the circumstances arise—and I outlined earlier the reasons to oppose the Hon. Mr Parnell's amendment—the removal of this regulation-making power will just mean the government of the day, in those circumstances, would have to come back and introduce amendments to the legislation and have the debate at that particular time.

It is always more convenient for governments to do things by way of regulation, but the reality is there is an alternative mechanism that is slightly cumbersome. If it is important, the government of the day could come back argue the case that this definition did need to be changed, and it would require legislative change. Whilst the government's formal position is to oppose the amendment, as I said, we will not die in a ditch over it and we will not be seeking to divide.

The Hon. C. BONAROS: If I can just seek some clarification, I understand that amendment No. 2 [Pangallo-1] and amendment No. 3 [Pangallo-1] ought to be moved together; is that correct?

The CHAIR: I am just seeking clarity. You read the chair's mind. Honourable members, just to recap where we are in the committee, the Hon. Mr Pangallo has moved Amendment No. 3 [Pangallo–1], which, if it finds favour with the majority of the council, will remove subsection (2) in the interpretation provisions, which will become section 72. My advice is that we do not need to then go back to the definition of 'journalist', because it will be picked up as a clerical issue and automatically be changed, so we do not need to recommit the bill. There is no need for the Hon. Mr Pangallo to move in a technical sense amendment No. 2.

Are honourable members happy where we are at this point in time? I just want to make sure that every member of the committee of the whole is on the same page. Does anybody wish to make any further contributions after the Treasurer's contribution or response to the Treasurer's contribution in relation to the Hon. Mr Pangallo's amendment No. 3? If not, I will put the question.

Amendment carried.

The Hon. M.C. PARNELL: I move:

Amendment No 3 [Parnell–1]—

Page 3, clause 3, line 27 [clause 3, inserted section 72B(1)(d)]—Delete 'reasonably'

The thinking behind this amendment, which deletes the word 'reasonably', is to try to avoid a situation where an informant expected that their identity would be kept secret but for some reason is not able to prove that they were given any such assurance. Just to explore it, the words are:

the informant reasonably expected that the informant's identity would be kept confidential (whether because of an express undertaking given by the journalist or otherwise),

The thinking behind this amendment is that, if we remove the word 'reasonably', then it effectively implies, if it is a journalist you are talking to and there is a shield law in place, you are protected without the journalist having to expressly say, 'And by the way, I won't disclose your identity.' That was the thinking behind it. I thought it clarified the provision, but I would be interested in hearing what other members think.

The Hon. R.I. LUCAS: I am advised that the government opposes this particular amendment. This amendment would remove the requirement that for the journalist shield law to apply an informant must have reasonably expected that the informant's identity would be kept confidential. This provision of the bill needs to be considered in the context of the wider approach taken in the government's bill as to the circumstances where the shield law should apply, as opposed to the approach in other jurisdictions.

Proposed section 72B(2)(b) in the bill goes further than the journalist shield laws and the uniform evidence acts, which require that a journalist has promised an informant not to disclose the informant's identity. Proposed section 72B extends beyond a promise of confidentiality by the journalist to apply to where the circumstances give rise to an expectation of confidentiality, even where undertakings have not been given.

For example, this expectation may arise due to the clandestine nature of the dealings between the journalist and informant or use of encrypted messaging platforms to communicate. It is because of this expanded application that the bill includes the requirement for this to be a reasonable expectation. The shield law should not apply where it was not reasonable in the circumstances to expect confidentiality; for example, where the informant circulated the information widely or in public.

The Hon. F. PANGALLO: The bill includes the subjective test regarding the expectation of the informant regarding the confidentiality of their identity. It states the informant 'reasonably' expected, regarding confidentiality, which seems to be inconsistent with the purpose of the shield law. When an informant comes to a journalist expecting that their identity will be protected it should not be reasonably assumed that it will be; I think it needs to be quite clear that it would be. By removing the word 'reasonably' it would give more cover to any potential informant. It just does not rely on the journalist as well. I will be supporting Mr Parnell's amendment.

The Hon. K.J. MAHER: Did I understand correctly from the government that the commonwealth legislation has the word 'reasonably' in there?

The Hon. R.I. LUCAS: No, I am advised that the commonwealth requires that there has to be a promise of confidentiality by the journalist. There has to be an explicit commitment; that is, an explicit commitment by the journalist to say, 'I will keep your identity confidential.' There is an explicit commitment. This government's bill is broader than that in that what it is saying is that you had a reasonable expectation that your identity would be kept confidential even though you were not given, by the journalist, a commitment or a promise, 'Hey, I will keep your identity confidential.' So from that viewpoint it is actually broader.

I am not sure what the concern is. That is the government's advice as to how this works. It is saying that even in the circumstances where a journalist has not explicitly given a commitment—and you may well have somebody where you did not actually explicitly give a commitment to keep the source identity confidential but your informant, on the basis of years of knowledge or whatever it might happen to be, had a reasonable expectation that you would. That is the difference between what is proposed here and what is in the commonwealth legislation.

The Hon. J.A. DARLEY: I indicate that I will not be supporting the Greens' amendment.

The Hon. K.J. MAHER: I thank members for their contribution, particularly the Hon. Mark Parnell for outlining the reasons for this amendment, and also the government for outlining how the commonwealth scheme works. On the basis of what has been described we will be supporting the bill in its original form and not the amendment.

Amendment negatived.

The Hon. F. PANGALLO: I move:

Amendment No 4 [Pangallo–1]—

Page 3, line 35 [clause 3, inserted section 72B(2)]—Delete 'or on its own motion'

I think this is probably the one I am more concerned about, not only me but I can tell you that every media organisation I have had contact with has also expressed concern about the words 'on its own motion'. This is simply because it means the shield laws in South Australia would be totally out of step with those of the commonwealth, Victoria, New South Wales and the ACT. I believe, and also the media outlets believe, it would be an overreach in providing a shield in the first place. We are here to discuss giving shields to journalists, yet this section particularly seems to make the shield almost inoperable; it does not seem to be a shield.

When I discussed the amendments with the ICAC Commissioner, Judge Lander, he felt that my amendment dealing with the issue was a bit too narrow, and he thought the Hon. Mark Parnell's was a little bit broad. He actually wanted to see an amendment that fell somewhere in the middle. The commissioner reasoned that the ability to dispense with the shield on its own motion should not be extended to every agency tribunal that takes evidence but should be limited to the ICAC, and only in circumstances dealing with corruption and not maladministration or misconduct.

Free TV is also of the view that the ability of ICAC to overturn the shield on its own motion is something they do not support, even if it is limited. Political corruption cases can be highly sensitive and often the result of information from confidential sources. It is just as important, in our view, that journalists are able to maintain the confidentiality of the source in an ICAC process as in any other.

The Attorney-General raises the point that journalists should not be granted absolute privilege, and it has to be stressed that there is a provision in this next section of the bill for the matter to be referred or heard by the government where parties are able to argue the point. Removing the fact that you do not have an agency like ICAC, or perhaps an ombudsman, able to effectively act as judge, jury and executioner as to whether a person should not be protected by the shield, and that public interest is going to be outweighed, I think defeats the purpose of having a shield.

What it will mean is that, in serious stories of corruption, it will deter people from coming forward to reveal information if they feel they will not be adequately protected once that information comes out, because it could end up that an ICAC or another court, or the Ombudsman, could decide that, 'No, we need to know where that information has come from and who gave you that information.' That would deter people from coming forward to give information.

Our position is that simply removing those words leaves at least the objectivity of it, and also that natural justice will not prevail if you leave those words in there. You can still go to the court and you will have a situation where journalists and their informants can argue before a court, but where you give the overreach, I think it works against the shield. I think we saw that in *The Advertiser*'s editorial last week. They made it quite clear that they believe it was inappropriate to have these words. To quote from that editorial:

> The proposed shield laws now before the Parliament's upper house contain a serious flaw. If passed in their present form, a judge or Independent Commissioner Against Corruption can effectively overrule them, using a provision that does not exist in other states.
>
> Put simply, the legislation allows for a court to make an order, 'on its own motion', that a source's identity be publicly revealed—effectively removing the confidentiality on his or her identity.

They go on to say:

> This is no trifling technicality. It turns the court, or the ICAC, into the judge, jury and executioner—

which are the words I used in my previous address on this—

> by removing essential checks and balances that are integral parts of our judicial system.

So I firmly believe that, by removing just those words, it will in fact be something that will still enable the protection to be there—you can still argue it in court under the rules of law, but if it is there a higher authority can certainly overrule that and it will be a deterrent for people to come forward.

I think I have already raised some issues or previous stories where it would be almost impossible to tell that story here, like Watergate. If it all happened in South Australia and Deep Throat had the story about corruption within government to the highest level, and the journalists or newspapers concerned, in this case *The Washington Post*, went ahead and published the story, it

would then have fallen on the government of the day, which would have been able, if these laws had been in place, to force the journalist to reveal the name of that source. Once that source was discovered, there would have been a witch-hunt.

As it turned out in Watergate, it ended up being the deputy director of the FBI, and he would have suffered certainly some serious sanctions. He would have been the victim of a witch-hunt, and no doubt the American government would have gone after him. It was only many years later that we learnt the true identity of that informant.

I think also *The Advertiser* points out the case of the disgraced former state Labor minister, Eddie Obeid, and that we might have been able to force the identification of sources of stories revealing the extent of misconduct in public office, and that would have thwarted his eventual conviction and sentencing to five years' imprisonment. As *The Advertiser* points out, there remains a process to seek that information, but at least it can be argued in court under the rules of law in an adversarial sort of way rather than a blunt order, which applies if this part of the legislation proceeds.

The Hon. M.C. PARNELL: To assist the committee, given that my amendments relate to the same issue and the same clause, I will address the matter now as well. I had thought that mine might be dealt with first, but I notice that my amendment is after the word 'or' and the Hon. Frank Pangallo deletes the word 'or', so he snuck in by two letters. We were very sympathetic to the position the Hon. Frank Pangallo put. It was certainly the position put to us by the joint media organisations.

However, we have decided not to support that amendment and proceed in a slightly different way because, as the honourable member alluded to, the definition of 'court' does not include regular courts that have regular parties putting arguments for and against. It includes other investigatorial bodies that do not have parties before them. So the question then is: is there any conceivable circumstance where, for example, ICAC, Ombudsman, Coroner's or some other 'court' should be able to lift the shield, and I think the answer is, yes, there may be some circumstances. The sort of cases people tend to think of are information that directly goes to a terrorism threat or something very serious, where the public interest clearly outweighs the interest of the journalist and the informant. They might be rare but they are real, they are real circumstances.

So the amendment that the Greens is putting forward is basically, if I can paraphrase it like this: if it is a regular court with parties, an applicant, a respondent, a prosecution, a defence—a regular court with parties that can put the position—then the court cannot on its own motion or of its own volition lift the shield. It is up to the parties to put the case and defend the case, and then, having heard all the evidence and having taken into account all the circumstances set out in subclause (3), which talks about the public interest and adverse effects and things like that—the criteria—if a court heard the arguments for and against, taken the circumstances into account and makes a decision, that's fine.

However, where you do not have parties and you have one of these other courts, should they still be able to lift the shield? I think the answer is: yes, in some circumstances they should be able to. The question then arises: is that position ever able to be challenged? I would suggest that it can be challenged. If the Ombudsman, for example, without having heard from any parties, orders a journalist to disclose a source and the journalist thinks that the court has erred and has not adequately taken into account the circumstances in paragraph 3 then I would have thought that there is a judicial review that you could actually challenge that order. You could go to a higher authority and say, 'Sorry, the Ombudsman got that terribly wrong. I shouldn't have to hand over my source.'

I do not think I am skating on thin ice here. I cannot imagine a circumstance where a decision of a body like an ombudsman or a coroner or whoever is completely unassailable; I do not think that is how our legal system works. The minister might have access to better legal advice, but I think you could be able to go and challenge that decision. At the end of the day, the shield is about protecting the journalist from civil and criminal liability, and I cannot envisage a circumstance where a court unilaterally could order a person to produce their source or to name their informant and there be no ability at all in any other higher court in the land for that journalist to be able to respond. I think they can. I cannot think exactly what the administrative law motion, appeal or whatever would be, but I am sure it would be challengeable.

The model that the Greens have put forward is to say, in regular courts, leave it up to the parties to put the case for and against and the court can make a decision but, if it is not a court that has parties represented or if it is not a court that makes orders on the application of parties, then yes they can on their own motion lift the shield, but it would then become an argument for a higher court, presumably on the application of the journalist, to say, 'No, they got that wrong. I shouldn't have to disclose my source.' So I think the journalists are still protected.

I am always nervous because the government says they are already supporting my amendment. As a Supreme Court judge once said to me when I said I wanted to add a few more points, 'Don't, Mr Parnell, you might mess it up; sit down now,' so I will.

The Hon. F. PANGALLO: If I do not have the numbers for my amendment, I certainly would support the Hon. Mark Parnell. Briefly, I think that 'on its own motion' would be a denial of natural justice and I think it is overreach. I think it goes beyond the pale that somebody could totally be able to override it and you would not have an opportunity to fight that or argue that in a court of law.

The Hon. R.I. LUCAS: Can I, on behalf of the government, put on the public record the government's position in relation to both amendments. Firstly, in relation to the amendment moved by the Hon. Mr Pangallo, the government's position is that the government opposes this particular amendment. This amendment would remove the ability of a court, as defined in the Evidence Act, to override the journalist privilege in the public interest on its own initiative, without a party to the proceedings first having to apply for the disclosure order.

The reason for including the 'on its own motion' power in the bill is to reflect the fact that this bill applies broadly, beyond traditional court proceedings to courts and proceedings as defined in the South Australian Evidence Act, which will include a tribunal, authority or person vested by law with judicial or quasi-judicial powers and proceedings where evidence is taken. As previously stated, this includes ICAC hearings but also royal commissions and Australian Crime Intelligence Commission (ACIC) examinations.

In those types of hearings, there will generally be no opposing party who would be seeking to obtain disclosure of the identity of the source. Rather, it would be the investigating body (e.g. ICAC or the ACIC) applying the public interest test and needing to be satisfied that that body's need to know and the public interest in knowing the identity of the source—for example, to properly investigate a serious allegation of corruption or serious and organised crime—outweighs, in the particular circumstance, the public interest in protecting sources.

Even acting on its own motion, the court may only order disclosure if satisfied that the public interest in disclosure outweighs the interests in favour of confidentiality, as listed in proposed section 72B(3). That public interest in disclosure may involve a wide variety of factors, including the proper administration of justice, for example, to ensure a fair trial, or the interests of national or state security.

This amendment would effectively remove the ability to override the shield in these types of non-traditional court proceedings, even where the public interest in disclosure outweighs the public interest in confidentiality. This is inconsistent with the scheme of the bill and the approach in other jurisdictions where it is clear that the journalist shield is not an absolute privilege or protection: it is always a qualified privilege or rebuttable presumption able to be displaced where the public interest in disclosure is greater.

The Western Australia journalist shield law provisions, which are similarly broader in their application beyond traditional court proceedings, also necessarily contains this ability for the court—or person acting judicially, in the case of the Western Australian provisions—to order disclosure on its own motion after applying a similar public interest test. The government is not aware of any problems with the operation of those provisions in force in Western Australia since 2012.

Further, the Western Australian provisions have been successfully tested with the Western Australian Supreme Court applying the public interest test but nevertheless ordering that journalist privilege should stand in the case of Hancock Prospecting Proprietary Limited v Hancock 2013, WASC 290. In that case, a subpoena by Gina Hancock's company seeking production of documents provided to a Western Australian journalist was set aside after the court applied the public interest test and determined that the public interest in disclosure of the informant's identity did not, in that

case, outweigh the public interest in facilitating the free flow of information by protecting journalist sources.

I will now address, on behalf of the government, the amendment moved by the Hon. Mr Parnell. The government will support the alternative amendment to be moved by the Hon. Mr Parnell. This amendment, together with amendment No. 5 [Parnell-1] would restrict the ability for a court to order disclosure of the informant's identity on its own motion to where (a) no party is legally represented, or (b) the court is not of a kind that makes orders on application by a party. As currently drafted, the bill would allow a court to order disclosure of an informant's identity if it found there to be overriding public interest in disclosure, either on the application of a party or on its own motion, even where a party has not sought the order for disclosure.

Mr Parnell's amendment seeks to restrict the circumstances in which the court could order this disclosure on the basis of overriding public interest. It should be emphasised that a court is limited by the existing bill provisions as to when it may override the journalist privilege and order disclosure. The court must first apply the public interest test as set out in proposed section 72B(3) and may only order disclosure if satisfied that the public interest in disclosure outweighs the interest in maintaining confidentiality, with the nature of those interests in maintaining confidentiality specifically set out in the provision.

The public interest test provisions in the bill are drafted to reflect that the journalist shield provisions apply in a broader range of proceedings in the bill. Beyond traditional court proceedings, the course of proceedings is evident as defined in the South Australian Evidence Act. There is a further explanation there, which I have included from earlier. In the commonwealth, Victoria and New South Wales, the shield laws have more limited application, generally, to traditional court proceedings and hence there is no need to include the own motion power in their legislation, as there will generally be a party to those proceedings seeking the disclosure who can make the application.

Notwithstanding the preceding arguments, the government accepts that journalists remain concerned about the ability in the bill for the shield to be displaced on the court's own motion. Mr Parnell's amendments Nos 4 and 5 address those concerns by limiting the circumstances where the shield can be displaced by a body on its own motion to the types of proceedings where there will not be a party in a position to make the application for disclosure.

The government is not aware of any problems with the operation of the broad own motion power to displace the journalist shield in operation in Western Australian legislation since 2012. However, in the interest of promoting a broadly applicable, but also robust, journalist shield law, the government will support the amendments Nos 4 and 5 to be moved by the Hon. Mr Parnell.

The Hon. J.A. DARLEY: I indicate that I will be supporting the Hon. Mark Parnell's amendment in preference over the Hon. Frank Pangallo's.

The Hon. K.J. MAHER: I indicate that this was probably the amendment on which the opposition had the most open mind. The amendments of the Hon. Mark Parnell and the Hon. Frank Pangallo both had merit. I agree with the Hon. Mark Parnell in that it is a long time since I have studied administrative law.

The Hon. M.C. Parnell: 1979.

The Hon. K.J. MAHER: I am not as far away from having studied as the Hon. Mark Parnell. Might the government be able to advise what, in their view, the cause of a review of a decision might be? I am pretty sure that, in terms of a hearing by the ICAC Commissioner, there would be a cause of action to the Supreme Court. I assume one might be able to advise what the mechanism for that administrative review of a decision of a court might be, when it was a type of court that did not have parties to it.

The Hon. M.C. PARNELL: I know some people in society are critical when too many lawyers end up in a house of parliament, but I have consulted with unnamed colleagues and I am told that what I learnt in law school in 1979, in administrative law, about what we called 'natural justice' is now called 'denial of procedural fairness'. If the journalists found themselves the subject of what they thought was an arbitrary and improper lifting of the shield, they would have a cause of action. The review body, as the minister has just said, would go to the criteria set out in the legislation, including

the public interest test, and the argument would be had as to whether the shield should have been lifted or not. So that is the protection, as I see it, that the journalist has.

The Hon. K.J. MAHER: I thank the honourable members for their contribution. The numbers are clearly with the Hon. Mark Parnell's amendment, regardless of what the opposition does. On that basis, because we want to see something happen, we will also support the amendment.

The CHAIR: The Hon. Mr Parnell, could you move your amendment?

The Hon. M.C. PARNELL: I move:

Amendment No 4 [Parnell–1]—

Page 3, clause 3, line 35 [clause 3, inserted section 72B(2)]—After 'or' insert '(subject to subsection (2a))'

Amendment No 5 [Parnell–1]—

Page 3, clause 3, after line 38 [clause 3, inserted section 72B]—After subsection (2) insert:

(2a) The court may only make orders on its own motion if—

(a) all parties to the proceedings before the court are not legally represented; or

(b) the court is of a kind that does not make orders on application by parties.

The Hon. F. Pangallo's amendment carried; the Hon. M.C. Parnell's amendments carried.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–2]—

Page 4, after line 9—Insert:

72C—Review of Part

(1) The Minister must cause a review of the operation of this Part to be conducted and a report on the review to be prepared and submitted to the Minister.

(2) The review and the report must be completed after the third but before the fourth anniversary of the commencement of this Part.

(3) The Minister must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

This amendment provides for a review of the legislation after three years. The amendment provides that the review must be completed and tabled within one year. This is to provide a reasonable amount of time for the review to be completed and to allow the government to properly consult with relevant and numerous stakeholders who may be affected by the legislation.

SA-Best is concerned about the practical application of the legislation and therefore seeks a review to examine any unintended consequences of the legislation. We are particularly concerned with the ability of agencies that take evidence, aside from the ICAC, given the ability to dispense with the shield. For these reasons, we sought a review. We thank the government for their support, if it comes, for the proposed review.

The Hon. R.I. LUCAS: I think the Hon. Mr Darley might be mightily offended that the Darley amendment has been moved by the Hon. Mr Pangallo, but there is no proprietorial right for these review amendments. On behalf of the government, we will indicate our support. We think reviews can be useful in relation to some pieces of legislation.

The only caution we note we are going to give in relation to this, we hasten to say, is that we do not really think that every time we pass something we ought to be having a requirement for a review, or every three or four years. Certainly, if they can be limited, ultimately, to the more substantive or controversial issues, then there can be some justification. Given the sensitivity of this particular issue, the government is prepared to provide support for this amendment.

The Hon. K.J. MAHER: I indicate the opposition will also be supporting this amendment. Having said that, though, if there are elements of this act that are not working properly, as I said earlier, I do not think we should wait for a review to occur, particularly, as has previously been discussed, the 'on its own motion', if there are instances where it is not working as it should. It would

be good if something was brought back before the review was instituted to fix any problems, if they do arise.

The Hon. M.C. PARNELL: The Greens will also support this amendment. However, I am going to make a bold prediction that it will deliver a null return. The reason I say that is because—just think about this—the purpose of a shield law is that journalists do not incur criminal or civil liability. I know this is not the whole of the review, because we need to look at the whole operation of the act, but in terms of what work this did, trying to work out how many people did not get prosecuted or did not get sued because of the shield is going to be impossible.

I am not pooh-poohing the amendment. I am going to support the amendment because I think what would be interesting—whether the government has the ability to obtain the stats—is how many cases there were, how many attempts were made to lift the shields that were successful or unsuccessful. There will still be work for this review to do, but I am just making the obvious point that it will operate silently in the background to protect journalists and most of us will never know whether, absent this law, there would have been prosecutions and people being civilly sued. We will never know the answer to that. I do not think it will be an expensive or a detailed exercise, but my prediction is it will be a null return when it comes to actual cases.

The Hon. J.A. DARLEY: I will be supporting the Hon. Frank Pangallo's amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (12:33): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL

Final Stages

Consideration in committee of the House of Assembly's message (resumed on motion).

Amendments Nos 2, 3, 6 to 16, and 18:

The Hon. R.I. LUCAS: I move:

That the Legislative Council does not insist on its amendments Nos 2, 3, 6 to16, and 18.

At the outset, can I thank honourable members. As the government indicated over the last couple of weeks, this was a priority bill for the government to be ultimately determined one way or another by the parliament before we get up this afternoon. Mr Chairman, as you are aware, the Legislative Council rose before the House of Assembly had finished deliberations, so we did circulate the email last evening, which in essence was the nature of the amendments that were going to be moved.

The message was received earlier this morning and we delayed formal consideration until at least members could have a look at the message and the process that we are to adopt. Members who have been here for a while will be familiar with the process, but I have had a quick word with one or two of the new members just to outline the general process and the options available to the Legislative Council.

This bill started in the House of Assembly and came to the Legislative Council. The Legislative Council amended the bill. It went to the House of Assembly. The House of Assembly has agreed to some of the amendments, which we will discuss at a later stage. There is one particular amendment where it has suggested an amendment in the alternative, but that is in the second package of amendments. This first package of amendments, this first motion that the council has to consider, is whether or not it insists on its position in relation to amendments Nos 2, 3, 6 to16, and 18.

They cover a range of issues, but the substantive issues that the government in the House of Assembly—and I on the government's behalf when we last debated this bill and I now on behalf of the government outline to the Legislative Council—has clearly indicated are that it is just not in a position to accept the amendments that the Legislative Council has made in this particular respect.

I do not propose to go over all of the arguments for and against. There are two key provisions and a couple of other smaller ones as well. But if I can just summarise briefly, the two key ones essentially are: should the parliament have the right, through what in practice would be a motion of non-government members of the Legislative Council, to be able to, in essence, direct inquiries to the productivity commission? I have outlined previously why the government opposes that. I do not propose to go over that detail again.

The second broad area was in relation to whether or not there should be what I colloquially described as United States Senate-style confirmation hearings of productivity commissioners; that is, the Statutory Authorities Review Committee would ultimately have a veto right over who could or could not be appointed as a productivity commissioner. There are a number of other smaller elements but they were the significant major elements.

What the Premier has indicated in another place, and I think in some discussions with a number of people who have spoken to him, is that the government's position is clear on this: if the Legislative Council in its wisdom decides to insist on its amendments then the government will lay the bill aside when it goes back to the House of Assembly. As I think I outlined yesterday in the house, what the government will do is establish the productivity commission but we will do it through an alternative and less publicly-accountable mechanism.

There were a number of alternatives that I flagged yesterday that were open to the government. One was, in essence, a model where the Premier or the Treasurer could appoint individual commissioners. As an example, we have appointed Mr Lew Owens to conduct an inquiry into the regulated asset base of SA Water and water pricing generally. I flagged that the advice I had was that the New South Wales Productivity Commission had been set up as an attached unit of the public sector in New South Wales. We have attached units, a very small number of them, within the public sector in South Australia. The office of the Commissioner for Public Sector Employment became an attached unit as from 1 July, I think.

There is an alternative mechanism, and I am not entirely clear whether New South Wales has used the attached unit model or whether in essence it is just a unit of Treasury. The press statement to which I will refer of 14 May 2018 from the New South Wales Treasurer, Dominic Perrottet, is headlined 'New South Wales Productivity Commissioner Appointed to Drive Economic Reform'. Mr Peter Achterstraat AM has been appointed as the New South Wales inaugural Productivity Commissioner. Without going into his details, he is a former auditor-general and has served in other distinguished positions there.

Essentially, upon reading that particular press release from the Treasurer, he has just been established as a section or a unit within Treasury. He is actually employed under the Treasury portfolio within the fiscal and economic group of Treasury. He will be supported by a secretariat which is embedded within Treasury. I am advised that it is not to be a statutory role but rather an advisory body and it then indicates what his tasks will be. The reporting chain that is listed here is that the Productivity Commissioner will report through the fiscal and economic group deputy secretary to the Treasury secretary and then to the Treasurer. That is the reporting chain.

If we were to go down another alternative model, which is an attached unit, it may well be that the productivity commissioner would report directly to the Treasurer as opposed to—or potentially reporting to the Premier. For example, the Commissioner for Public Sector Employment does not report through a divisional head of Treasury and through the Under Treasurer to me as the minister responsible for the public sector; she reports as the head of the attached unit of the office of the Commissioner for Public Sector Employment but also separately, as the Commissioner for Public Sector Employment, she reports to me as the Treasurer.

However, the model in New South Wales appears to be that the reporting lines are through, in essence, a divisional head of Treasury—that is the fiscal and economic group deputy secretary, so that is the second rung—and then through that to the Treasury secretary and then ultimately to

the Treasury. So there would appear to be a couple of models and New South Wales has adopted that particular model in relation to establishing it, and they are quite happily going about their task of saying, 'Hey, we've got a Productivity Commissioner and that Productivity Commissioner is going to drive productivity reform in New South Wales.'

So that is a model. That is the alternative in the event that the Legislative Council decides to insist on its position. As I said, this bill will be laid aside, but we will proceed as a government with the establishment of a productivity commissioner. The exact model that we will settle on, whether it is an attached unit or whether it is modelled exactly on the New South Wales one, where the person reports through various divisions of Treasury to Treasurer, or various divisions of the Premier's department to the Premier, will be matters that the government will give immediate attention to in relation to the issues.

If I can summarise, my entreaty to members of the Legislative Council is that at least in the process the government has sought to follow to establish its productivity commission, it has opened up significant areas of public accountability and transparency. There have been further elements of accountability added by amendments moved by the Hon. Mr Darley and the Hon. Mr Pangallo, some of which we have agreed in the Legislative Council, and there is an amendment in the alternative to the competitive neutrality position that the Hon. Mr Darley has put, which I would hope he might be comfortable with as well.

The government's original bill, we believe, in terms of transparency and accountability, is certainly much more so than the particular model that is adopted in New South Wales, and we have added additional elements, or are prepared to add additional elements, in terms of some of the amendments moved by the Hon. Mr Pangallo and the Hon. Mr Darley—not all of the amendments, but some of them.

The model that is here would allow accountability and oversight. It does have requirements in relation to public reports—or annual reports, I should say—processes, requirements in terms of the appointment of the productivity commission and all those sorts of things. All those sorts of guidelines and requirements are actually outlined specifically in a piece of legislation, and it is a statutory authority.

Should the Statutory Authorities Review Committee of the Legislative Council, which of course is non-government controlled, undertake or require a review on an ongoing basis, or an occasional or irregular basis, of the operations of the productivity commission, the Statutory Authorities Review Committee will have that oversight, because this will be a statutory authority subject to the ongoing oversight of the Statutory Authorities Review Committee, as that committee would see fit.

There will not be the same capacity, clearly, if the government goes down the alternative path of establishing a productivity commissioner along the model of the New South Wales one, where the person is in essence just attached as a Treasury officer, or a version of that, or a provision such as an attached unit within a government department or agency.

In the end, I guess my plea to members of the Legislative Council is that they do not insist on this package of amendments. I accept their position may well be that they still do not agree with the government's position, and we would understand that. We are not arguing for them—or expecting them, I should say—to say, 'Hey, we don't believe in anything we've said earlier in the week.'

I expect that they would still believe strongly in the point of view they put. If they had their preference, if they were in government, they would have incorporated the legislation this way, but the plea we are putting to them is that in the absence of being able to get exactly what they want, this model, with some of the amendments, in our view, is a more transparent and accountable model, and in our view it is probably closer to what they would want in their ideal world.

It does not deliver what the Legislative Council in the majority expected or wanted, and I accept that, but ultimately we would argue it is preferable to the alternative path that the government would have to go down to establish a productivity commissioner. With those words, we would urge members to not insist on amendments Nos 2, 3, 6 to 16 and 18.

The Hon. K.J. MAHER: I rise to address the amendments and address some of the things that the Treasurer has said to this chamber today. What the Treasurer has said to this chamber today is: if you do what you have insisted on, if you make this bill more transparent and open, we're going to take our bat and ball and go home. The Treasurer has said, by introducing legislation, that this is important enough that it ought to be established by an act of parliament in which the people of South Australia, through their representatives in this chamber, should have a say as to how this works. Then he has turned around and said, 'But, wait, if you make it accountable and transparent, then we don't want you to have any say. It is either exactly our way or the highway.'

We have been given a bill, originally by this government, that had no transparency at all; it had no transparency over the work of the commission, no transparency or accountability in how it was determined who the chair and the commissioners will be, in terms of their pecuniary interests and disclosures and in terms of the work, the reports and the interactions with the minister responsible. There was no transparency in the bill that the government thought was important enough to legislate to create this body.

The bill has come to this council, and we have been told by the Treasurer today that it is not the business of this council to try to improve the bill—it's none of their business. What the government wants happens, or nothing happens at all. I have never seen this before in my admittedly—

Members interjecting:

The Hon. K.J. MAHER: —shorter years in this chamber, Mr Chairman. This is the absolute—

Members interjecting:

The Hon. K.J. MAHER: This is the height of arrogance. 'If you don't accept exactly how we want to do it, then stuff you Legislative Council, we're going to take our bat and ball and do it a completely different way.'

At the end of the day, if the government gets the bill without these very sensible amendments, suggested previously by the Legislative Council, if they get the bill without them in there, then it has the same effect as just establishing it without legislation anyway: it does not have any accountability or transparency.

The Treasurer would have us believe, 'Oh, look, if you don't pass this bill exactly how we want it, if you insist on being a little bit transparent and a little bit accountable, then we're just going to go and establish it, and it's going to be this big secret, and no-one will ever know what it does.'

What the Treasurer does not say, and what he omits to say, is that, if it was established in the way he is suggesting—without legislation—all of the usual provisions and terms of the Auditor-General looking at the expenditure of public funds, committees of this chamber, like the Budget and Finance Committee, the FOI regimes, all the estimates committees, all the usual checks and balances that you see with the expenditure of public funds, will still be there. It is not all or nothing. It is not that you have nothing at all and there is no oversight.

If they take their bat and ball, if they thumb their noses and say, 'Stuff you' to the Legislative Council, there will still be that oversight that exists with the expenditure of any public funds. That is our role. The Legislative Council is, by definition, a house of review. We are doing our job in looking at amendments. We are doing our job in improving a bill. We are doing our job improving a bill to introduce transparency and accountability.

We are looking not to impede the work of commissioners or the commission, but to make what they do more transparent. That is what the public expects of us. I think, quite frankly, that is what the public expects of their government, to be open, accountable and transparent with the way funds are spent.

Nothing in the amendments that the Legislative Council previously agreed to will impede the operation of the productivity commission. In fact, I think there were many contributions that members of the Legislative Council spoke about on the way the scheme will be improved if these amendments are passed. We spoke in the Legislative Council—and many members made contributions—about allowing, by resolution, either chamber of parliament to refer matters to the productivity commission.

We discussed, when it was last in the chamber this week, that that would allow members of this chamber—and it is not on a whim of a single member of this chamber, but it was agitated (and I will not go into it in the same length as we discussed it before)—to move for a matter to be referred to the productivity commission by this chamber, and it requires a majority. It requires three out of the five groupings in here agreeing that it should be referred. It is not on the whim or folly of an individual member, but on not just a majority of the members of the chamber, as it will always be, but, as the chamber is currently constituted (and we have seen a pretty stable history in recent times in South Australian politics in the Legislative Council), there is a diverse range of interests. It is a majority of the groupings in here that would also have to refer something to the productivity commission.

It was discussed by members of this council when it was last here that that would enable much better and more informed decisions to be made by this council when there are very significant pieces of legislation or issues of policy that this chamber is debating. Individual members or individual parties may not have the capacity to do detailed economic modelling or understand the exact nature and consequence of what is being proposed, but this will allow that avenue. If a majority of members of this chamber—and, as it is currently constituted, that requires that a majority of the parties within this chamber agree—they can refer something to the productivity commission.

This is not a bar that will be jumped over on the whim of every single Legislative Councillor; it will require a majority of people here to do that. Unlike the government, which obviously has a disdain and does not trust the judgement of a majority of members here, I do trust them. This chamber was elected to represent the diversity of views of the South Australian population.

The Hon. J.S.L. Dawkins: This is laughable, compared to where you used to sit.

The Hon. K.J. MAHER: The Hon. John Dawkins interjects. He does not think this chamber is reflective of the population. He interjects and takes issue with this.

Members interjecting:

The Hon. K.J. MAHER: Unlike some interjecting, I do actually have faith that this will be used responsibly, and it is a self-regulating responsibility. If this power is not used responsibly, voters will have their say at the next election, if people do that. In relation to members of this chamber being able to refer a matter to the productivity commission, the chamber, together with all other parties, thought that was incredibly important.

The other argument that was used was that it might not have the budget to do it. The Hon. Rob Lucas, as Treasurer, spoke last time very flimsily about what a budget may or may not be. He spoke in very general terms that, 'We can only appoint around half or may be fewer of the commissioners because we don't have enough of a budget yet.' If it is not worth doing properly then maybe it is not worth doing it all and maybe it should not be established by legislation or even outside legislation.

The Hon. Rob Lucas said, 'We will do half an effort if we don't get this legislation up. We won't have enough budget to do it properly.' If you do not have enough budget and if you do not have the will to actually have legislation, as the government thought was important, maybe the honourable member may reflect about whether it is worth doing at all.

This council saw fit to pass further amendments in relation to the appointment of members of the committee. It allowed the members of the committee who were proposed to go before a committee of parliament. Again, as the Hon. Rob Lucas would have us believe, this is not some glitzy Senate-style confirmation hearing where eventually the decision is made on the floor of the whole of the Senate. We are not proposing that this decision is made on the whole of the floor of the Legislative Council; we are suggesting it is done by a committee of the parliament. We think that is the appropriate way to do it.

Finally, in relation to a disclosure regime, that the government would oppose this is the most remarkable part of all. Honourable members will remember when we recently considered the health boards bill that the health minister had before this chamber. The opposition put up quite a detailed package for disclosure and publication of the interests of members of health boards. That went back to the House of Assembly and the House of Assembly put something else in its place, which was a lesser regime that was easier to be complied with administratively. The Liberal government of the

day put in place that lesser regime for the health boards bill. That bill came back here and the council agreed that the lesser regime was a good middle ground and that it ought to be adopted.

What we have is the same regime for this—the same regime that the government themselves put forward for the health boards bill but, when it comes to the productivity commission, they no longer agree with their own proposition. What we have in here with the disclosure regime is the same regime that the government themselves put forward as a compromise to come back to this chamber for the health boards bill. There is absolutely no logical reason that the government should be opposing it for this bill, given this disclosure regime was their idea, and not for a bill from 20 years ago when they were last in government. This was their idea for a bill that they put up just in the last couple of sitting weeks.

We just do not agree that it is a good idea to put threats onto the Legislative Councillors, who are doing their job, that if you do not pass it exactly how we want it, we will take our bat and ball, thumb our nose at you and say, 'Stuff you, Legislative Council! We are just not going to have legislation at all.' In fact, in relation to the bill, if they did that—if they had no legislation at all—it would have almost the same effect as their legislation now, which is not transparent, is not accountable, and we will be left with the usual forms of accountability with no legislation, being things like the Auditor-General, the estimates committees, and committees of parliament to oversee it.

If we, as the Legislative Council, give into threats like, 'If you don't do exactly what we want, then we are going to withdraw legislation,' so early in the term of government, it will send a message to the government that this is acceptable behaviour and that the Legislative Council can be bullied, and the Legislative Council ought not bother putting up amendments. The opposition will be insisting on the amendments that the Legislative Council made—the sensible amendments that the Legislative Council made—to improve the accountability and transparency in the bill. If it is the government's contention that, 'If you don't do exactly what we say, you can't have any legislation,' it is probably as bad, as weak and as non-transparent as having their legislation anyway.

Progress reported; committee to sit again.

Sitting suspended from 13.02 to 14.15.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Public sector Act 2009—Section 71 Report

By the Minister for Trade, Tourism and Investment (Hon. D.W. Ridgway)—

Ports Access and Pricing Review Final Report dated September 2017
Regulations Under National Schemes—
Heavy Vehicle National Law—
Amendments
Registration

Ministerial Statement

RESIDENTIAL CARE FACILITY VISITS

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:16): I table a copy of a ministerial statement relating to residential care facility visits made earlier today in another place by my colleague the Minister for Child Protection.

ELECTRICITY COSTS

The Hon. R.I. LUCAS (Treasurer) (14:16): I seek leave to make a ministerial statement on massive cost increases under the Labor government electricity deal.

Leave granted.

The Hon. R.I. LUCAS: Over the course of 2017 the former government entered into arrangements for the supply of electricity to government sites to replace the existing whole of government contract that expired in December 2017. Sadly, in my view this position was yet another example of the incompetence and financial mismanagement of the former Labor government.

The process for such an important procurement was commenced only six months before the expiry of the whole of government contract. Such a short period of time to negotiate a whole of government electricity contract left too little time to negotiate the best possible deal for taxpayers. As a result of this agreement, from 2020 the state government will source its electricity via a Generation Project Agreement with Solar Reserve and its Aurora solar thermal generation project near Port Augusta.

The creation of this agreement meant that the former government had to enter into a retail services agreement to provide electricity for the bridging period January 2018 to when the solar thermal plant is operational, estimated to be November 2020. To secure bridging electricity supply arrangements from 1 January 2018 until 31 October 2020 the former government entered into one-year contracts with incumbent suppliers Origin Energy and Simply Energy for small metered and unmetered lighting sites respectively, and an energy retail services and supply agreement with ZEN Energy for the provision of electricity supply and retail services for the supply of electricity to all government sites from 1 January 2019 to 31 October 2020.

The broad financial implication of the contracting arrangement for the bridging term is a significant increase in the cost of electricity for government sites from January 2018, largely based on increased costs for large sites. While the cost will ultimately depend on usage patterns of departments, initial analysis suggests that total costs may increase to $106 million in 2018, an increase of $45 million from 2017, representing a staggering 73 per cent rise. While the costs are estimated to reduce to $90 million in 2019 and $78 million in 2020, these still represent increases of 47 per cent and 27 per cent over the 2017 prices.

At an individual departmental level, some of the increases are beyond comprehension. For example, the Department for Child Protection will see an increase of nearly 150 per cent in 2018 over its previous electricity bill, while the CFS will see a five times increase in its power bill for 2019. I seek leave to have incorporated into *Hansard* without my reading it a purely statistical table, which provides a breakdown of estimated electricity costs by departments for the period 2017-2020.

Leave granted.

Attachment 1—Electricity Cost by Department (excl. GST)

Agency	2017 $'000s	2018 $'000s	2019 $'000s	2020 $'000s
AGD	28	45	34	29
CAA	950	1,519	1,184	1,009
CFS	31	52	206	183
DCP	38	96	59	51
DCS	1,733	3,191	2,339	1,991
DCSI	735	1,489	1,063	904
DECD	11,778	17,830	16,695	14,465
DEWNR	376	573	600	531
DHA	21,610	40,464	29,990	25,581
DPC	29	43	67	59
DPTI	8,556	15,295	16,822	14,554
DSA	1,807	2,982	2,308	1,978
DSD	2,096	4,106	3,023	2,575
MFS	238	427	449	390
PIRSA	1,082	1,899	1,503	1,285

Agency	2017 $'000s	2018 $'000s	2019 $'000s	2020 $'000s
SAPOL	1,560	2,801	2,194	1,876
TAFE SA	3,767	6,071	4,696	4,029
URA	1,913	2,534	2,180	1,841
OTHER	3,003	4,973	4,979	4,290
Total	61,328	106,389	90,391	77,621

The Hon. R.I. LUCAS: Without exception, all departments during the recent budget bilateral process have expressed great concern at the massive increase in their electricity costs as a result of this decision by the former Labor government. The government has sought to understand the basis for this increase and has been advised that, during the assessment and negotiation of final contractual arrangements, Frontier Economics provided advice on the merits of the proposition and cost implications in comparison to benchmark prices. However, we have been advised by Cabinet Office that we may not access this report due to the fact that the former Labor government attached the pricing analysis report to a submission to the former Weatherill cabinet.

We believe it is critical that the pricing report should be made public because it is important for South Australians to understand the basis on which this deal was struck, given the $90 million in additional electricity charges in the period up to 2020. This massive increase in electricity costs is another part of the financial mess left by the former Labor government, which will need to be provided for in the coming budget. Sadly, this appears to be just another outrageous example of Labor secrecy and lack of transparency in the way it applied taxpayers' money. I am sure South Australians will be gobsmacked by this deal the former Labor government negotiated.

Consequently, for transparency, the Marshall government will engage an independent consultant to review the whole-of-government electricity contracting arrangements undertaken by the former government. This review will consider whether an earlier procurement process should have been used and what other options existed that might have reduced costs to taxpayers.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): My question is to the minister assisting the Premier. The question is in relation to SAMEAC. Has the assistant minister or her staff ever insisted to, or requested of, any local government council that her husband be acknowledged as a special guest at functions and events? Has the assistant minister or her staff ever insisted or requested that, at events and functions of a local government council, her husband be seated in the front row, alongside dignitaries and VIPs?

The Hon. J.S. LEE (14:24): No.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. C.M. SCRIVEN (14:24): I seek leave to make a brief explanation before asking a question of the minister assisting the Premier regarding SAMEAC.

Leave granted.

The Hon. C.M. SCRIVEN: Yesterday, the Premier said that cabinet will consider a review of the government's due diligence processes for the appointment of board members. My questions to the assistant minister are:

1. In light of the Premier's comments, does the assistant minister still stand by her comments that appropriate due diligence had been undertaken before appointments to the SAMEAC board?

2. Will the assistant minister and her office fully participate in this review?

3. Will the assistant minister commit to tabling the results of that review in this chamber?

The Hon. J.S. LEE (14:25): I agree with whatever the Premier said in statements made in the other house.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. C.M. SCRIVEN (14:25): Supplementary: can I clarify that the assistant minister will table the results of that review? That was not commented on by the Premier.

The PRESIDENT: The Hon. Ms Lee.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, am I allowed to listen to the Hon. Ms Lee? Thank you. The Hon. Ms Lee.

The Hon. J.S. LEE (14:25): I will consult with the Premier and take the questions on notice.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. C.M. SCRIVEN (14:25): Which specific members of the SAMEAC board are now having additional due diligence done?

The PRESIDENT: That's a further question. It can be asked but it can be asked by another Labor member if they choose, but it's not a supplementary. The Hon. Ms Bourke.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. E.S. BOURKE (14:26): My question is to the minister assisting the Premier. Which specific members of the SAMEAC board are now having additional due diligence done?

The Hon. J.S. LEE (14:26): I will take the question on notice and bring back the answer.

CHINA INTERNATIONAL EDUCATION AND CULTURAL TIES

The Hon. J.S.L. DAWKINS (14:26): My question is to directed to the Minister for Trade, Tourism and Investment.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S.L. DAWKINS: My question is directed to the Minister for Trade, Tourism and Investment. Will the minister update the council on how the government is deepening the international education and cultural ties between South Australia and China?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:27): I thank the honourable member for his ongoing interest in deepening the education and cultural ties between South Australia and China. As members will recall, last week I updated the council that I travelled to China recently to support 26 South Australian business delegates. Part of that trip was to visit Jinan, the capital city of the Shandong province.

I was fortunate enough to visit Jinan for the second time this year. It is 32 years and counting—that is how long we have had a sister-state relationship with Shandong. The government-to-government relationship is fundamental to businesses wanting to enter China. South Australia and Shandong share ties in food and wine, health, education, culture, sports and tourism. Specifically, I want to talk about the good work being done by the international education sector in China. It is a vital sector to our economy. There were some 15,000 Chinese students studying in Adelaide in 2017 and hundreds of them have come from Shandong.

While in Jinan, I gave a number of speeches in support of our education providers. I think the record was on the Wednesday—and members opposite would probably be bored with it—when I had to deliver eight speeches that day on all slightly different topics and all with an interpreter, which obviously meant that they were relatively short speeches for me but it took a while to get through them.

I attended the Shandong South Australia Vocational Education and Training Forum, and supported TAFE SA as they deepened their relationship with the Shandong College of Tourism and Hospitality and the Shandong Polytechnic. I also attended the Joint Laboratories Symposium, where I witnessed presentations on the good work already being done collaboratively in joint laboratories between our three universities and the Shandong Academy of Sciences in areas like soil health, medical devices, digital health, advance lasers and sensors, special fibre and oil and gas detection.

We also unveiled at that time an agreement, signing with Madam Ren Ai Rong, the Vice Governor of Shandong, and university representatives. These have been in the pipeline for a while, but I witnessed the signing of the agreements that would see key initiatives get underway, like jointly supervised PhD research programs.

I also had the delight of witnessing the presentations from the five finalists from the Shandong inaugural StudyAdelaide English competition for Chinese middle and high school students. The winners will get to travel to South Australia as StudyAdelaide ambassadors in early 2019. It was great to see the finalists' ambitions and their strong desire to see what beauty Adelaide and South Australia have to offer to the world.

With international education being our largest service export, we see the sector as being crucial to our prospects of increasing exports, increasing jobs at home and creating innovative opportunities for the future. International students who come to South Australia spend more money here, and they get their families to come and visit and obviously enjoy our wonderful hospitality. They create thousands of jobs for our state and sometimes they even become investors of the future, as I mentioned recently with Mr Nicho Teng and his announcement that he will be building a Westin hotel in the GPO.

They collaborate with our best and brightest often on common challenges for the mutual benefit of our countries and the world. That is why the Marshall Liberal government has committed to supporting the vitality of our world-class international education sector.

LAND VALUATIONS

The Hon. J.A. DARLEY (14:30): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment, representing the Minister for Transport, Infrastructure and Local Government, a question about commercialisation of the state valuation services.

Leave granted.

The Hon. J.A. DARLEY: Last year the previous government commercialised the Land Services Group, including valuation services which were previously undertaken by State Valuation Office. Part of the services which have commercialised is the objection process, which is now provided by the private consortium Land Services SA.

Earlier this year, I called the evaluation inquiry line to request sales evidence used to determine the 2018-19 site and capital values for two properties. This information is essential to have as a precursor to an objection to decide whether the sale of similar properties used to determine the valuation of a property are comparable and relevant.

I was advised over the phone that it could take up to 90 days to receive this information from Land Services SA. This time frame is too long considering the fact that objections must be made within 60 days of receiving your first rates notice. I decided to object to the valuation of the two properties before receiving the sales evidence. I received an automated response stating it could take up to 12 weeks to determine an outcome for evaluation objections. My questions to the minister are:

1. Can the minister advise why it takes twice as long to obtain sales evidence now that the service has been commercialised?

2. What KPIs have been set in relation to response times for dealing with valuation objections and inquiries?

3. On average, how long did it take to finalise an objection before the commercialisation?

4. On average, how long is it taking to finalise objections now that valuation services have been commercialised?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:33): I thank the honourable member for his ongoing interest in the matters, especially the privatisation of the Lands Titles Office. I could be tempted to say that the questions he has asked are a symptom of another failed privatisation by the previous government. But it is a detailed question and so, rather than attempting to answer it and get it wrong, I will take the question on notice and bring back a reply.

MINISTERIAL CORRESPONDENCE

The Hon. R.P. WORTLEY (14:33): I seek leave to make a brief explanation before asking the Assistant Minister to the Premier about ministerial correspondence.

Leave granted.

The Hon. R.P. WORTLEY: The 2013-14 ICAC annual report in relation to the use of private email to communicate official information states:

> Such conduct might, at the least, amount to misconduct in public administration and be the subject of investigation and potential disciplinary action.
>
> …The conduct therefore might also amount to an offence against section 17 of the SR Act. An offence against that section by a public officer while acting in his or her capacity as a public officer would amount to corruption in public administration under the ICAC Act.

My questions are:

1. If the assistant minister is confident that she, in her words, has 'done no wrong' in using her parliamentary email account to conduct ministerial business, why won't the assistant minister commit to turning over her parliamentary email server to the Director of State Records so that emails can be properly scrutinised for breaches of law or cybersecurity?

2. Has the assistant minister made any attempt to establish a ministerial email? If so, with whom and, if not, why not?

The Hon. J.S. LEE (14:34): I provided the answers yesterday, that I have not been given a government email just yet but the Department of the Premier and Cabinet is in the process of setting it up for me.

MINISTERIAL CORRESPONDENCE

The Hon. R.P. WORTLEY (14:35): Supplementary: it has been three or four months since you became an assistant minister. The question was: have you attempted to establish a ministerial email account—

An honourable member interjecting:

The Hon. R.P. WORTLEY: No, she hasn't—and, if not, why not?

The Hon. J.S. LEE (14:35): It is as per my answer yesterday and earlier today.

DISABILITY SERVICES

The Hon. J.S. LEE (14:35): My question is to the Minister for Human Services about disability support services. Minda Incorporated was established in 1898 and provides support for children and adults with disability in South Australia. Can the minister please inform the chamber about Minda's recent developments.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36): I thank the honourable member for her question and her interest in this area. On 9 May, Minda celebrated its master plan stage 2 official launch with His Excellency the Governor Hieu Van Le. Also in attendance were the

Hon. Emily Bourke; the member for Boothby, Nicolle Flint; Senator Rex Patrick; and a number of supporters, including Mr Tony Harrison, the CEO of the Department of Human Services, a former board member, and deputy CE, Ms Lois Boswell.

The official opening was a great celebration. As the honourable member stated, Minda was established in 1898, actually at Fullarton. It has grown from a 22-person residential facility to an organisation which provides support to more than 1,700 people with intellectual disability, in the areas of employment, accommodation, respite care, daily activities and leisure. It is also a registered training organisation with its South Australian Learning Centre providing training and short courses in disability, aged care and mental health.

In 2007, Minda commenced work on a 10-year master plan for the development of its 28.5 hectare site at Brighton, which houses approximately 300 clients. Minda's goal is to create a high-quality, integrated, affordable, sustainable urban village for people with intellectual disability. The project is well underway with the progression of stages 2 and 3. Its $260 million master plan will replace outdated living arrangements for 170 people currently living in congregate care at its Brighton site.

Stage 2 of the master plan commenced in early 2017 and includes construction of 18 single-storey houses, two three-storey apartment buildings and the Brighton Dunes, which will offer luxury retirement living for over-55s. The master plan also includes construction of a purpose-built lifestyle precinct which will provide a venue for Minda's MyPATH day option program offering choice in activities and opportunities to develop skills and foster independence.

A number of us enjoyed a tour of the site, which is incredibly impressive. If anybody is interested in having a look they can contact the organisation and visit the site. There are certainly some very secure apartments there which are monitored by staff and are very modern and obviously at the highest level of disability accessibility. The activities that we were able to see included art, music, dance and a kiln area as well, which provides some fantastic activities for people who are Minda's clients. We congratulate them on the work they have done and wish them and their clients all the best in the future.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:39): Supplementary arising from the answer, Mr President. I thank the minister for her answer outlining the important work that Minda does. In relation to the accommodation services that the minister referred to, is the minister able to inform the chamber whether she or anyone from her office or her department has had conversations with Minda about taking over services currently provided within government with the privatisation of supported community accommodation services for disabled people?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39): I thank the honourable member for his question, although I reject some of the language that he has used. I think the language of 'taking over' is completely inappropriate. I think I have outlined here previously about the consultation that has taken place so far in relation to the decisions that the government has made to withdraw from supported accommodation services. In that respect, I think I have already outlined previously that I have met with both of the unions that are involved with supporting staff on those sites. I am also aware that a range of providers are interested, but I don't think I have anything to add from what I have said previously on this matter.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): Supplementary arising from the original answer that referred to accommodation services: can the minister give an update in addition to what she said, many weeks ago, in relation to where the government is in withdrawing from these public services and transferring them to the non-government sector?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): I outlined then what the process was to be going forward, that we were consulting with the stakeholders. That includes, obviously, making communication with clients, with the staff and with the families, and a range of external stakeholders are aware because they would have seen newsletters and so forth. Those discussions are taking place. I think I outlined at the time that it was likely to take several months

before any decisions would be made. No decisions have certainly been made, because we are proceeding as we said we would, which was to engage in respectful consultation. It is a very complex process and it is continuing.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:41): Supplementary arising from the original answer that referred to supported accommodation services: can the minister outline if she is aware whether Minda, or Minda through Business SA, held meetings prior to the election to lobby for the outcome that is now being delivered in terms of privatisation of these services?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:41): I think I have responded to this question previously. I haven't had any discussions with Business SA about this issue.

The Hon. K.J. Maher: Are you aware of any?

The Hon. J.M.A. LENSINK: Well, that would be hearsay.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Can the minister not engage with the Leader of the Opposition. Can the Leader of the Opposition not give a series of questions informally to the minister while the minister is trying to answer? It is unfair and discourteous to every other member in this chamber, including your President. Minister.

The Hon. K.J. Maher interjecting:

The Hon. D.W. Ridgway: He instantly defies you!

The PRESIDENT: If I need advice, the Hon. Mr Ridgway, I will take it maybe from those—like maybe a previous president, in his wisdom.

Members interjecting:

The PRESIDENT: Minister.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, Leader of the Opposition! Minister.

The Hon. J.M.A. LENSINK: I am just trying to remember what the question was—

The Hon. K.J. Maher interjecting:

The PRESIDENT: You asked a serious question, Leader of the Opposition. Allow the minister to actually answer it.

The Hon. J.M.A. LENSINK: And there has been so much banter going on—

Members interjecting:

The Hon. J.M.A. LENSINK: It was an eminently forgettable question. In relation to Business SA, I mean, really, some of the questions that we get display some lack of understanding of the ministerial code of conduct.

The PRESIDENT: Don't debate the question.

The Hon. J.M.A. LENSINK: I am sorry, Mr President. According to the ministerial code, if I can just provide some background, ministers are required to make decisions—and I am paraphrasing, obviously—based on having as many facts as possible. Facts are what I rely on. I do know that Business SA has got some sort of group, but I have not met with them; I have not met with them. So—

The PRESIDENT: Briefly, minister.

The Hon. J.M.A. LENSINK: Yes, Mr President. I have not met with Business SA about this matter. I have met with them on other areas in other portfolio spaces. I am not quite sure what the honourable member is getting at, but nice try.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I give the call to the next question, I welcome to the Legislative Council the Rt Hon. Lord Maude of Horsham, a former cabinet minister of the United Kingdom. Welcome to the Legislative Council.

Question Time

SCHOOLS, BULLYING

The Hon. F. PANGALLO (14:44): I seek leave to make a brief explanation before asking a question of the Treasurer, representing the Minister for Education.

Leave granted.

The Hon. F. PANGALLO: Like all South Australians, especially those with children who still attend our schools, I have been shocked by two recent stabbings of students in our schools—yesterday at North Adelaide and another in the Riverland. Police commissioner, Grant Stevens, was on radio this morning, imploring parents not to get too worried, saying, 'I don't want people to be alarmed at sending their kids to school—that's a bridge too far.'

While I concur wholeheartedly with the commissioner's comments, the incidents bring into question the circumstances behind the attacks, which our police will determine in due course. That said, the attacks raise the possibility of whether schoolyard and cyberbullying played a part. The impacts of schoolyard bullying on the community are massive: one in four students are bullied at school; 218,000 bullying victims become bullies themselves; those who bully are 3.5 times more likely to instigate family violence; and, the cost of bullying comes to about $2.3 billion a year.

Earlier this year, the Victorian opposition committed to rolling out the highly successful eSmart antibullying program, a product of the inspirational Alannah and Madeline Foundation, in all public schools in Victoria if it wins the state election in November. eSmart is a long-term change program designed to educate, track, monitor and prevent bullying and cyberbullying—a how-to guide for students, parents and teachers on tackling bullying and cyberbullying.

Two weeks ago, the South Australian government formally ended the Safe Schools program. The Department for Education website says that a new strategy is being developed. My questions to the Treasurer are:

1. Why has the government not yet implemented the antibullying program to replace the Safe Schools program that ceased on 13 July?

2. In light of that, does this mean our state schools do not currently have any antibullying programs operating?

3. Can the minister provide details of whether there are any plans to introduce the eSmart program in South Australian schools and, if so, when, and, if not, why not, when the program is already operating in over 2,300 schools across Australia?

4. Can the minister also provide details of whether there are any plans to introduce the Carly Ryan Foundation's online safety and emotional intelligence seminars to appropriately aged children?

5. Can the minister provide details on the number of incidents of bullying reported in South Australian public schools over the past 12 months?

The Hon. R.I. LUCAS (Treasurer) (14:47): I am happy to take the substance of the honourable member's questions on notice, refer them to the minister and bring back a reply. Can I speak briefly to the member's questions. Certainly from my knowledge of what the Minister for Education has said publicly, I can put his mind to rest in relation to his comment that, in our government schools at the moment, there are no antibullying programs: that is, indeed, not the case.

There is a continuation of a range of antibullying strategies, so I understand. I am happy to take on notice and bring back the detail of those particular programs. The minister did indicate, when

he announced the ending of the Safe Schools antibullying initiative, that he would be introducing a broad-based antibullying campaign or program. He did refer to the broad-based program which had been used very successfully in New South Wales' schools as a potential model on which the South Australian department may well base its comprehensive program for the future.

In relation to the two specific programs to which the honourable member has referred, I have no direct knowledge of those, but I will refer them to the minister and bring back a reply.

ASSISTANT MINISTER TO THE PREMIER

The Hon. T.T. NGO (14:48): My question is to the Assistant Minister to the Premier. Has the assistant minister been invited to the Romaldi's 60th birthday celebration and, if yes, has the assistant minister RSVP'd to attend the event?

The Hon. J.S. LEE (14:49): Yes, I have been invited; no, I have not RSVP'd yet.

ASSISTANT MINISTER TO THE PREMIER

The Hon. T.T. NGO (14:49): Supplementary: does the assistant minister intend to attend the event?

The Hon. J.S. LEE (14:49): I don't believe this is the business of the honourable member.

DATACOM TRAINING FACILITY

The Hon. T.J. STEPHENS (14:49): My question is to the Minister for Trade, Tourism and Investment. Can the minister update the chamber about the recent launch of Datacom's facilities at the Tea Tree Gully TAFE campus, alongside federal Minister for Citizenship and Multicultural Affairs, the Hon. Alan Tudge?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:50): I thank the honourable member for his ongoing interest in the facilities that have been opened at Tea Tree Gully yesterday at the TAFE campus. Yesterday, I was delighted to be a part of the official opening of Datacom's customer care and IT hub at TAFE SA's Tea Tree Gully campus, which includes a new home affairs global service centre, with the honourable Alan Tudge MP, federal Minister for Citizenship and Multicultural Affairs.

I want to congratulate the Datacom team on this important occasion. The establishment of the centre is an important milestone in Datacom's expansion, providing training and over 400 full-time equivalent opportunities in the ICT sector for South Australians. Furthermore, Datacom is expected to exceed its target of 684 jobs to be created by the end of 2018—that's six months earlier than anticipated.

The home affairs office that is part of the larger Datacom facility is expected to receive approximately 1.5 million basic inquiries a year. Staff at the home affairs centre will focus on high-value complex decision-making across immigration, citizenship and trade facilitation programs. Our new government is proactively engaging in new partnerships with non-government training providers, working together to deliver better training outcomes for TAFE SA graduates. It is a great opportunity for the unemployed in this state to be offered training opportunities that lead to well-paying careers with companies like Datacom.

By partnering with TAFE SA, Datacom provides a clear training-to-job pathway for potential new employees. Mr Greg Davidson, the chief executive of Datacom, recently said to me that there is an unprecedented success rate of unemployed people finding places at Datacom after training at Tea Tree Gully. Whilst there are over 400 already employed, hundreds will soon be sharing in this bright future.

It was a lovely ceremony yesterday. We obviously had the federal minister there. There were also a number of local MPs. Of course, Dr Richard Harvey, the new member for the seat of Newland, Ms Fran Bedford, the ongoing member for Florey—members would understand, the Tea Tree Gully TAFE campus does jump in and out of electorates, depending on boundaries—and also the member for Wright, Mr Blair Boyer, was there. His electorate is a little bit further away, but I think it was an indication, in that we had a Liberal member of parliament, an Independent member of parliament and

a Labor member of parliament there, that there is keen interest in what is happening and it is supported by all sides of politics.

South Australia, as we know, has a combination of low business costs, a knowledge-based economy, and a world-class education system, all supported by an exceptional quality of life. This investment in highly skilled, high-value investments like this help us to continue building interest in our state for potential future investors. South Australia's ICT capabilities are well-established and respected, with 2,500 ICT graduates graduating from higher education institutions in South Australia annually. In this rapidly changing world, government investment in training must be connected to the needs of the broader community to lead to real jobs and better investment outcomes.

I congratulate the team from Datacom and also the team from Trade and Investment and thank Datacom and the federal government also for their commitment to South Australia and the investment they have made.

MEMBERS, PUBLIC EVENT SEATING

The Hon. T.A. FRANKS (14:53): Under section 107, I seek leave to make a brief explanation before addressing a question to the Hon. Russell Wortley.

Leave granted.

The Hon. T.A. FRANKS: As you would be well aware, yesterday in question time, and today it was repeated, the Hon. Russell Wortley, in particular, has made it the business of the council to ask the seating arrangements at public events of a member of this place's partner. My questions to the Hon. Russell Wortley are:

1. Has he, in his capacities, various that they have been, ever asked to be sat next to his partner at an official event?

2. If he has, can he please disclose when this occurred?

3. Will he, at some stage, be questioning male MPs about their seating arrangements at public events?

The Hon. R.P. WORTLEY (14:54): I would be quite happy to answer the Hon. Ms Franks' question. I have never, ever asked, if I am not there in an official capacity, to sit next to—

Members interjecting:

The Hon. R.P. WORTLEY: Never have I asked to sit next to my—

Members interjecting:

The Hon. R.P. WORTLEY: And I have been at times, at official functions, sitting in second or third rows because I would find it quite indignant to sit there and insist on an organisation placing me in the front row. Hon. Mr President, I have been at functions where there have been certain people, like Mr Eddie Lieu, in the front row and federal ministers have had to sit in the second row. Hopefully, that will answer your question.

MEMBERS, PUBLIC EVENT SEATING

The Hon. T.A. FRANKS (14:55): Supplementary: can the Hon. Mr Wortley now name those federal members and the events at which these occurrences took place?

The Hon. R.P. WORTLEY (14:55): I am happy to name.

The PRESIDENT: It's a reasonable supplementary.

The Hon. R.P. WORTLEY: Yes, I am happy to name. Mark Butler at a Port Adelaide city council—

The PRESIDENT: Please use his correct title.

The Hon. R.P. WORTLEY: The Hon. Mr Mark Butler at the Port Adelaide council—

The PRESIDENT: The federal member for Port Adelaide.

The Hon. R.P. WORTLEY: The federal member for Port Adelaide.

Members interjecting:

The Hon. R.P. WORTLEY: I know you feel very uncomfortable with the questions that—

The PRESIDENT: Through me, Mr Wortley.

The Hon. R.P. WORTLEY: —we were legitimately asking and I know you are waiting for question time so you are off for five weeks—

The PRESIDENT: Hon. Mr Wortley, through me.

The Hon. R.P. WORTLEY: —but I can assure you we will not be sleeping over the next five weeks.

The PRESIDENT: Hon. Mr Wortley—

The Hon. R.P. WORTLEY: If you think this is bad, you wait until we get back. The Hon. Mr Mark Butler was sitting in the second row—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: Mr President.

The PRESIDENT: If you address your comments through me you may not have that resistance.

The Hon. R.P. WORTLEY: I attended the Port Adelaide—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: —citizenship ceremonies, where I was sitting in the front row as an official guest and the Hon. Mr Lieu was in the front row, sitting facing the crowd, and the Hon. Mr Mark Butler came in and had to actually sit in the second row because there was no seat for him.

MEMBERS, PUBLIC EVENT SEATING

The Hon. T.A. FRANKS (14:56): Supplementary: the Hon. Russell Wortley did not provide any information about when he intends to ask male MPs about their seating arrangements at public events.

The PRESIDENT: The Hon. Mr Wortley, would you care to answer that question?

The Hon. R.P. WORTLEY (14:56): No, it's too silly a question.

Members interjecting:

The PRESIDENT: No, another member. The Hon. Ms Pnevmatikos.

Members interjecting:

The PRESIDENT: The Hon. Ms Pnevmatikos, you have the call.

The Hon. R.P. Wortley: I am happy to answer.

The PRESIDENT: No, you had your chance, the Hon. Mr Wortley; sit down.

The Hon. R.P. Wortley: If we were talking about a female, I would be talking about a female.

The PRESIDENT: Hon. Mr Wortley, please sit down.

The Hon. R.P. Wortley: What a silly question.

The PRESIDENT: Well, you had your opportunity to answer it. The Hon. Ms Pnevmatikos.

Members interjecting:

The PRESIDENT: Order! I can't hear the member.

ROMALDI, MR M.

The Hon. I. PNEVMATIKOS (14:57): My question is to the Assistant Minister to the Premier. Now that the assistant minister has had a chance to avail herself of Mr Romaldi's publicly available comments, will she condemn Mr Romaldi for his use of sexist and culturally offensive language?

The Hon. J.S. LEE (14:57): Mr Mario Romaldi has done the appropriate thing to resign from SAMEAC. There were public comments already made by the Premier of South Australia, and I agree and endorse those comments by the Premier.

NATIONAL HOMELESSNESS WEEK

The Hon. D.G.E. HOOD (14:57): My question is to the Minister for Human Services. Can the minister advise the chamber of some activities in the National Homelessness Week?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): I thank the honourable member for his question. National Homelessness Week 2018 is being held from 6 to 12 August to raise awareness of people experiencing homelessness, the issues they face and actions required to achieve solutions. The theme for this year is 'Ending homelessness together'.

In South Australia, there are many key events which are going to be held as part of National Homelessness Week. This includes: Walk a Mile in My Boots, which is held to support the Hutt St Centre, one on 3 August and one in the Adelaide CBD on 10 August, which are significant fundraising events for that organisation.

We also have, on 8 August, the Don Dunstan Foundation's Homelessness Conference, which is being held at the Adelaide Convention Centre. It, too, has a theme of 'Sharing solutions to end homelessness', and the conference will explore innovative ways that public, community and private sectors can work together to address homelessness. They will provide an update on their Adelaide Zero Project at that event. There is also an annual memorial service on 10 August, which is to be held at 1pm in Victoria Square. I urge all honourable members to attend those events.

Clearly, there are a number of South Australians, over 20,000 annually, who struggle to find somewhere to stay. A number of these people are fleeing domestic violence, 40 per cent are children and young people, and a significant number are from Aboriginal or Torres Strait Islander backgrounds. The sector receives over $60 million annually in South Australia, and this funds some 74 programs through 37 service providers in the state.

Reducing homelessness through preventing people from falling into homelessness is one of the key focuses of the new Housing Authority and I was very pleased that, as part of our 100-day plan, we were able to establish that by 1 July. It will take a much more strategic approach into the future. It is also worth reminding honourable members of the difficulty we found ourselves in that was revealed by the triennial review. This confirmed that the housing system was struggling to meet demand, which can all be laid at the feet of the previous government.

At its peak, the Housing Trust had some 60,000 properties in South Australia which, by 2017, had fallen to 39,000. When cash has been short the Labor government reduced the cash balance of the Housing Trust, sold Housing Trust properties and/or cut the Housing Trust maintenance budget. In a 10-year period alone, it sold 7½ thousand properties to reap $1 billion, most of which was not reinvested in social housing. In the last financial year alone, $70 million was raided from that entity. At the same time, people in the private rental market are struggling, with rental stress for low income earners increasing from 22 per cent to 39 per cent.

We have a situation where we definitely have some major challenges in housing. The new Housing Authority is working assiduously in terms of establishing new systems and seeking new board members, as well as engaging in partnerships with the non-government sector and developing new models, so that we can address the need not only in the social housing sector but also look across to the affordable areas in an attempt to manage this problem, which we are determined to work on.

YOUTH2WORK PROGRAM

The Hon. F. PANGALLO (15:02): I seek leave to make a brief explanation before asking a question of the Treasurer, representing the Minister for Industry and Skills.

Leave granted.

The Hon. F. PANGALLO: On 30 June this year, a crucial jobs program that provided life-changing help to youth who had fallen through the cracks was forced to shut its doors after the state government again chose to cease funding an organisation making a contribution to the lives of vulnerable South Australians.

The Youth2Work program provided specialised job readiness training in the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island for vulnerable jobseekers aged between 17 and 24. These are young people who have fallen, or who are at risk of falling, through the gaps in the system, the ones who have made poor decisions. Some have already experienced the justice system and others are homeless. A high percentage come from multigenerational unemployed families. They are not work ready when they commence the program but they have a desire to break the cycle of unemployment and socio-economic disadvantage.

This program, which has a record of success and a queue of young people ready to become engaged, is now in danger of again disconnecting and disappearing. The scrapping of the Youth2Work program is a blow to some of the most vulnerable individuals in our community who need our help. My questions are:

1. Will the Minister for Industry and Skills review his decision to cut funding to the Youth2Work program? If not, why not?

2. Why was funding cut in the first place, when it is obvious to everyone how vital a service the operation provided in changing the lives of some of the most vulnerable people in our community?

The Hon. R.I. LUCAS (Treasurer) (15:04): I am happy to answer, in part, that question. If the minister can provide, on notice, further answers or explanation, I will bring those further answers back to the house. The first point I would make is that for a range of programs—and I will need to check the detail of this one—where the criticism was made that the incoming government had cut the program, the criticism was in fact incorrect. That is, a range of programs that were in the industry and skills area, about which the minister has had questions, were actually programs which, under the former Labor government, were funded to a certain period—30 June in many cases—and there was not a single dollar provided for continued funding. The decision to—

The Hon. C.M. Scriven: But you would have done the budget; you would have handed down the budget by then.

The Hon. R.I. LUCAS: We can hear the bleating from the opposition benches because we know we have hit a very sore point. But let not the truth get in the way of a good story from the opposition. The reality is that the former government, in many of these cases—and I will check whether this was one of them—had made a conscious decision not to put an extra dollar in from 1 July. That is, they made the decision to cut the program. It is correct to say that the new government, with its new program and its new priorities, could make a decision as to what was the highest priority for them—that is, us.

In these particular areas, and I will highlight what the priorities for the new government were, we made no commitment in relation to these programs in the period leading up to the election. So there can be no criticism that we made a commitment and we broke the commitment. Indeed, if there is to be a criticism, and if this is one of those examples of programs where the former Labor government made a decision not to fund them after certain period, then the buck stops on the desk of the former Labor government, now the Labor opposition.

Members interjecting:

The Hon. R.I. LUCAS: Absolutely. Absolutely.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The new government unashamedly—

Members interjecting:

The PRESIDENT: Order! I cannot hear the minister.

The Hon. R.I. LUCAS: The new government, unashamedly, was elected with a priority of programs in relation to turning this economy around and to provide jobs. The priority that the new government was elected upon has two key areas which would impact on the sort of young people whom the Hon. Mr Pangallo has raised. In the first instance, we have committed, together with the federal government, $200 million to massively expand the number of traineeships and apprenticeships in South Australia.

For those young people, rather than going along to job training programs and work ready programs, what we say to them is: 'Here is $200 million over a four-year period, shared with the federal government, to create 20,800 additional traineeships and apprenticeships.' That is getting young people into training and into apprenticeships so that they can get real jobs and turn their lives around—and the lives of their families, in some cases, as well.

The second area in relation to young people is that their first preference will always be to get a job, not to go through work ready programs or training programs. If we can give young people, in particular, jobs—real jobs—then you don't have to go through the halfway house of many of these particular programs. So the new government's programs are unashamedly about driving growth and driving jobs growth in the economy—abolishing payroll tax for every small business in South Australia from 1 January next year. They are the sorts of programs the new government was elected on. They are the priorities of the new government in terms of turning the economy around.

It is a priority to put $90 million back in the pockets of struggling South Australian families from 1 July this year, so that they can spend their money on small and medium-sized businesses in South Australia, rather than putting the money into the pockets of politicians and public servants. That will help drive jobs growth in South Australia. So for the young people whom the honourable member is rightly concerned about, our priorities are, in essence, firstly, creating jobs, real jobs, that these young people can go into. Secondly, in areas like defence and the NDIS program, where there is a crying demand for trained workers to move into the national disability area, that's the area where the new government's priorities are for massive investment in traineeships and apprenticeships.

We were unashamedly elected on new priorities. They are priorities of a Liberal government. The priorities of 16 years of failed Labor governments are not the priorities of the newly elected Liberal government. People were quite clear at the March election. They had a choice between the failed programs of 16 years of Labor or the reform program of a new Liberal government along the lines that I have just indicated. They overwhelmingly threw out Labor ministers like minister Hunter and minister Maher because they had seen the results of the financial mismanagement and incompetence over 16 years. They wanted a new reform program—

The Hon. I.K. Hunter: The trickle-down theory is all you've got. And it never works—it never works.

The PRESIDENT: Order! I cannot hear—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Hon. Mr Hunter, restrain yourself.

The Hon. D.W. Ridgway: All you can do is swear at people. That's your track record.

The PRESIDENT: Hon. Mr Ridgway, you are not helping me.

Members interjecting:

The PRESIDENT: We all finished? Treasurer, just go on.

The Hon. K.J. MAHER: Point of order, Mr President: I appreciate that you've been very fair and consistent, and tight on your rulings in supplementaries. I would ask you to rule on whether the

Hon. Rob Lucas has had enough time to answer this question. He's been going on and on for quite some time, Mr President.

Members interjecting:

The PRESIDENT: Order! It is a very fair point of order, and the Treasurer would have met the time limit had he not had all the interjections to deal with from your side of the benches. Go on, Treasurer, but not too long.

The Hon. R.I. LUCAS: Mr President, if the interjections would only stop and allow me to conclude, I was about to wrap up my answer. All I am about to say is that members of the Labor opposition will just have to take their medicine in relation to these issues. The sins of the past are their responsibility. For example, the new government's priorities, as I've outlined, will be transferred into action either directly, as we have already done with the ESL $90 million cuts, or they will be transparent in the 4 September budget, which will be brought down by myself on behalf of the government next month.

WORK-READY TRAINING PROGRAMS

The Hon. F. PANGALLO (15:11): Supplementary—and I'll enjoy listening to the Treasurer—is the Treasurer saying that the government will now scrap job-readiness training programs?

The Hon. R.I. LUCAS (Treasurer) (15:12): In relation to the specific program that the honourable member has raised, I will take advice through the minister and bring back a reply. I know questions were raised by the Hon. Ms Scriven three, four, five weeks ago in relation to a similar range of programs. It was quite clear that in those programs the former Labor government had made the decision to scrap the programs, not the new government, and we just made the conscious decision to put our money, our funding priorities, into things like traineeships, apprenticeships, abolishing payroll tax for small business. We were not going to put new funding into those particular programs that the former Labor government had already scrapped.

In relation to the specific program, I will check to see whether it's of the same nature as the programs that the Hon. Ms Scriven raised some weeks ago. If it is, then my comment remains the same.

WORK-READY TRAINING PROGRAMS

The Hon. C.M. SCRIVEN (15:13): Supplementary: is the Treasurer aware of what the term 'work-ready' means, given that business groups have been raising their concerns that jobseekers are not work ready and therefore cannot access and be granted these traineeships and apprenticeships even where they do exist?

The Hon. R.I. LUCAS (Treasurer) (15:13): I am delighted, as a former minister for education, to answer this particular question, because one of my bugbears is, if we are talking about skills necessary for young people to be ready for work, what on earth are we doing in our education system? What did the Labor government do for 16 years in our education system?

Our NAPLAN results for literacy and numeracy demonstrate the failure of Labor government policies in the education area for 16 years and for the bulk of the last 40 to 45 years, when Labor government's have controlled, with their colleagues and friends in the education union, the appalling results of literacy. Why not tackle the problems where they are occurring? Rather than fixing the problems afterwards, tackle the problems where they are occurring. That's the fundamental difference between Labor governments and Liberal governments. Labor governments will only do what their friends and colleagues in the left union of the Australian Education Union tell them to do.

Members interjecting:

The Hon. R.I. LUCAS: Of course it is. I was the minister 20 years ago who tried to introduce basic skills testing and it was the Labor Party and the Institute of Teachers that fought tooth and nail to introduce the very first literacy and numeracy test into our schools in South Australia. It was the mad lefty unions, supported by the mad lefties within the Labor Party. Members of the right will be very quiet here in the caucus because they know what the mad left are like within the Labor Party.

The PRESIDENT: The Hon. Ms Franks, a point of order.

The Hon. T.A. FRANKS: This is a point of order about the use of language with regard to mental health in this place. It has been ruled on before that slurs related to mental health are not parliamentary. I draw your attention to the current Treasurer's language.

The PRESIDENT: There is so much noise, Hon. Ms Franks. To whom is the point of order directed?

The Hon. R.I. LUCAS: I think it is directed to me, Mr President. Certainly, my use of the adjective 'mad' in relation to lefties didn't relate to mental health. If it was taken any way in relation to mental health, I withdraw and apologise. But I am talking about mad in the context of political madness rather than mental health.

So the left within the Institute of Teachers, or now the Australian Education Union, within the Labor Party and the sad direction of education policy, that is where we need to tackle the issue of young people being ready for work. Literacy, numeracy, work ready skills, that is the fundamental promise and premise of a Liberal government's education policy direction. We are not worrying about fixing problems at the end because at that end we will try to find young people jobs and we will give them traineeships and apprenticeships.

But we need to be prepared as a government to tackle the fundamental problems within our education system of making sure our young people leave our school system with literacy skills, numeracy skills and work readiness skills. The Premier just talked about entrepreneurship, innovation, training, for example, to try to provide traineeships or apprenticeships linked with the upper levels of school to try to increase the number of traineeships and apprenticeships in our community. All of these are fundamental changes of policy direction which we expect the Labor Party and the left of the Labor Party and in particular the left of the teachers' union movement to trenchantly oppose.

The Liberal government was elected on a clear mandate to make change. These are the sorts of changes the people of South Australia elected the new government to implement on 17 March. The sort of policies that you're clinging on to from 16 years of failed Labor governments were thoroughly rejected on 17 March.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I give the next call, may I acknowledge the Hon. Rob Brokenshire, former member of the chamber. Welcome back.

Question Time

The PRESIDENT: Before I give the call, the Hon. Mr Pangallo, in those two questions the brief explanations were not brief and included political commentary. Please restrain yourself after the winter break.

The Hon. F. PANGALLO: Thank you, Mr President.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. J.E. HANSON (15:17): My question is to the minister assisting the Premier. Does the assistant minister concede she misled the chamber in repeatedly claiming that the appointments to the SAMEAC board were of the highest quality and calibre? Will she now apologise to the chamber and correct the record?

The Hon. J.S. LEE (15:18): Actions have been appropriately taken. So, you know, my answer is as previously stated.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. J.E. HANSON (15:18): Supplementary: it doesn't require much. Will she now apologise to the chamber and correct the record? I don't believe she answered that question.

The Hon. J.S. LEE (15:18): I have already provided my answer.

RENEWABLE ENERGY

The Hon. M.C. PARNELL (15:18): I seek leave to make a brief explanation before asking a question of the Treasurer in relation to the ministerial statement he made just earlier.

Leave granted.

The Hon. M.C. PARNELL: The minister just a short while ago read out and distributed in this chamber a ministerial statement on massive cost increases under the Labor government electricity deal. In that statement he describes how, in his opinion, the previous government mismanaged the contract for providing electricity for the South Australian government. He says in the statement:

> As a result of this agreement, from 2020 the state government will source its electricity via a Generation Project Agreement with Solar Reserve and its Aurora solar thermal generation project near Port Augusta.

My question is: does the Treasurer support that exciting renewable energy project, and is he pleased that South Australia will be obtaining its energy from that renewable source?

The Hon. R.I. LUCAS (Treasurer) (15:20): I'm always excited about renewable energy, Mr President, but I'm less excited about massive increases in costs to government departments and agencies. The subject of the ministerial statement today addressed the bridging period between 1 January 2018 and the potential new contract in late 2020.

The only comment I would make about the excitement of renewable energy—and I have spoken about this in this house before—is that, whilst I think the overwhelming majority of Australians probably acknowledge the fact that eventually we will move to a preponderance of renewable energy in terms of our generation, the issue which is debated at the moment and has been debated for a period of time is how you manage the transition. There are differing views and strongly conflicting views as to how you manage the transition.

It is my view and the government's view that you try to manage the transition from where we were to where we might be in a way which minimises the increases in costs to struggling South Australian families and also maximises the security. That is, you don't have the situation where the lights go out in South Australia because we happen to be at the end of the grid. With all of those caveats, as long as we manage the transition sensibly, then I'm sure that all Australians would acknowledge that we are going to move to a much greater percentage of renewable energy.

In relation to the particular contracts, etc., I don't have enough detail about that particular contract to offer a detailed response other than ultimately, as I said, we will all acknowledge the fact that we will have a much greater percentage of renewable energy in our energy generation mix in the future.

RENEWABLE ENERGY

The Hon. M.C. PARNELL (15:22): Supplementary: I thank the minister for his response. In his response he only named two factors that he said were driving the government's policy, that is, to decrease the cost of electricity and to maximise the security of supply. Are there any other considerations that the minister thinks are important in our electricity supply; for example, reducing our carbon footprint?

The Hon. R.I. LUCAS (Treasurer) (15:22): Yes, there are many other factors, including reducing emissions. There are many other factors as well in relation to both our National Electricity Market and managing the mix that goes into the national energy market and the electricity market in particular in South Australia. However, there are related issues, some of which we debated only last week in relation to gas supply, gas reserves and how we might access them. So there are significant economic and environmental issues in relation to those particular issues as well.

Let me comfort the honourable member by acknowledging his green credentials and my very significant green credentials, by indicating that I understand the point he is making. I can only agree with him. The extent of the agreement we will have to canvass on the particular issues at the time.

STATE AND TERRITORY TREASURERS MEETING

The Hon. T.J. STEPHENS (15:23): My question is to the Treasurer. Is the Treasurer attending a meeting of state and territory treasurers, and will the issue of GST be discussed? What position will the Treasurer be putting on behalf of the people of South Australia?

The Hon. R.I. LUCAS (Treasurer) (15:23): I thank the honourable member for his question. Yes, I will be attending an important meeting of the board of treasurers tomorrow in Sydney. As I result of that, I will miss a very important meeting in Adelaide and I am truly apologetic for having to miss that very important meeting. However, this particular meeting is important.

The federal Treasurer and the federal government, weeks ago now, put their position in relation to the Productivity Commission recommendations on horizontal fiscal equalisation—in essence, the GST funding deal—into the public arena. The comforting thing from that was that they rejected the Productivity Commission recommendations, but the recommendations from the commonwealth government have been closely analysed and scrutinised by all state and territory treasuries as we speak.

In the discussion tomorrow, the position that I will be putting on behalf of South Australia will be essentially the position I put publicly at the time, that is, the same as the position we put prior to the election; that is, we will not agree in South Australia to any deal which disadvantages South Australia. As we closely analyse the proposed deal, which the federal government hopes to have reached an agreement on by the end of this calendar year, we are going to need to assure ourselves and the public of South Australia that it is in the best interests of South Australia for us to sign up to the deal or not.

The discussion tomorrow with other state and territory treasurers will be about their analysis of the deal. As is always the case in relation to GST funding deals, there is a wide diversity of opinion, ranging from Western Australia at one end of the continuum, generally through to the smaller states and territories—Tasmania, South Australia, the Northern Territory and sometimes the ACT—at the other end. The interesting group in the middle tends to be Victoria and Queensland.

I think as I have indicated previously, it was only through the strong support of the Victorian government and the Victorian premier, Jeff Kennett, and his close relationship with former premier John Olsen, that when we signed the original GST deal in 2000-2001 the Victorian government supported the strong position the smaller states and territories put. That was an influential factor in the current funding deal which has advantaged South Australia significantly over almost 20 years.

That will be the position I put to my interstate colleagues tomorrow. There will be no resolution tomorrow. There will be sharing of information and cooperation between now and the end of the year, when ultimately each state and territory will have to say to the federal government whether they agree to sign up to the proposed deal or not.

Parliamentary Procedure

APPROPRIATION BILL 2018

The House of Assembly requested that the Legislative Council give permission to the Treasurer, the Hon. R.I. Lucas MLC, to attend at the table of the House of Assembly on Tuesday 4 September 2018, for the purpose of giving a speech in relation to the Appropriation Bill.

The Hon. R.I. LUCAS (Treasurer) (15:28): I move:

That the Legislative Council grant leave to the Treasurer, the Hon. R.I. Lucas MLC, to attend in the House of Assembly on Tuesday 4 September 2018 for the purpose of giving a speech in relation to the Appropriation Bill, if he thinks fit.

Motion carried.

Bills

SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL

Final Stages

Consideration in committee of the House of Assembly's message (resumed on motion).

Amendments Nos 2, 3, 6 to 16, and 18:

The CHAIR: For the benefit of honourable members, the Treasurer has moved that the council do not insist on its amendments Nos 2, 3, 6 to16, and 18. Ahead of the luncheon break we were debating the same.

The Hon. K.J. MAHER: Can I just check with you, Mr Chairman, procedurally how will this go ahead? Is it moved en bloc that we not insist on all those amendments, or will they be taken separately? They do not all refer to exactly the same issue: will they be separated so that members can vote on whether they want a particular issue rather than its being all or none?

The CHAIR: The chair is service orientated, Leader of the Opposition. It can be moved as all of them or I can put the question as the committee chooses, so I can break it up and put the question for each amendment, if that is the will of the committee. I am happy to hear members of the committee.

The Hon. R.I. LUCAS: The government position is clear in relation to this; that is, whether they are put separately or en bloc, the government's position is that, if these amendments are insisted on in whole or in part, then the government's position is clear. So I think it is really just going to delay proceedings if we are to have separate votes. We might as well take a job lot. The motion that I have moved is that the Legislative Council do not insist on its amendments Nos 2, 3, 6 to 16, and 18.

The chairman has rightly indicated that he will either put that this council insist on its amendments Nos 2, 3, 6 to 16, and 18, or he could choose to do it one by one if he wanted to. For the sake of brevity, and the fact that we are on the last sitting day of parliament, it would seem clear what the options to the council are: rather than having 14 different votes, I would have thought that we might as well have one vote. Anyway, that is for the opposition and for the chair, ultimately, to determine, based on the wishes of the committee.

The Hon. K.J. MAHER: I suggest that this might be something that others, not just myself—some of the crossbenchers—may wish to comment on. The proposition that the Treasurer is putting to the committee is that in relation to all of the things the Legislative Council previously amended, that the lower house did not want, it is all or nothing; we cannot pick or choose the different issues. I would suggest that it might be more beneficial, as there may be crossbenchers who are in favour of the Legislative Council sticking to its guns on some, but it might also be the case that there may be crossbenchers who would prefer not to stick to their guns on some.

So if we move them all at once, it in effect does not give a choice: it is everything the council previously insisted on or none of them. If we move them individually, then crossbenchers would get to choose from the different raft of amendments, that is some of the disclosure regime, some affecting either chamber of parliament being able to refer, and also about the parliamentary committee having an opportunity to disallow members.

My suggestion, depending on what crossbenchers wish to do, is that we take them separately, so the crossbenchers at least have the benefit of deciding whether they want to support them or not, rather than it being all or nothing, which seems to be the way the government wants to deal with the whole bill.

The Hon. F. PANGALLO: I support the Leader of the Opposition: that we do them separately.

The CHAIR: Is there any other view? I am happy to put the question for each numbered amendment. The Hon. Ms Franks.

The Hon. T.A. FRANKS: The government has made it quite clear that it will be this set that is rejected, and they will not accept the amendments that we have previously put. I am happy to go through it clause by clause, but I can read that the numbers in the other place are always going to win, come the end of the day. Our choice here is not unprecedented. We have had previous governments give us similar ultimatums in recent history.

I am happy to debate each and every amendment now, but I just declare that the Greens are quite realistic here: we are either in a position where the government will go away and establish the productivity commission as it sees fit, or this council will accept a version that includes some of our

amendments but not all of our amendments, and so be it. The government of the day will decide what this looks like, no matter what we do here and now, whether it is a clause by clause debate again, or if it is simply one motion. My preference is for one motion because I think that is the substance of it. I think going through it amendment by amendment has already been proven to be unproductive, to make a pun.

The Hon. J.A. DARLEY: I am quite happy to consider each one, amendment by amendment.

The CHAIR: If I put it amendment by amendment, members will have to be very aware that some of these are consequential. Is there any further debate on the motion moved by the Treasurer that the Legislative Council do not insist on its amendments Nos 2, 3, 6 to 16, and 18?

So I will put it amendment by amendment. As to amendment No. 2, I put the question that the council insist on its amendment.

The committee divided on the question:

Ayes 10
Noes 9
Majority 1

AYES

Bonaros, C.	Bourke, E.S.	Darley, J.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Pangallo, F.	Pnevmatikos, I.
Scriven, C.M.		

NOES

Dawkins, J.S.L.	Franks, T.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Parnell, M.C.	Ridgway, D.W.	Stephens, T.J.

PAIRS

Wortley, R.P.	Wade, S.G.

Amendment thus insisted on.

The CHAIR: I put the next question, that amendment No. 3 be insisted upon.

The Hon. K.J. MAHER: It's related. I think we said they would go down because they relied upon each other.

The Hon. T.A. FRANKS: I am taking the opportunity at this point to put our position on the record, because we simply put on the record our position on whether we went clause by clause or as a bulk lot. We were not then given an opportunity to put on the record exactly why we support what we think is something that the government took to the election. The Greens have said we will support a productivity commission, but we will not necessarily, simply because we cannot make referrals to that productivity commission, then put a spanner in the works.

We would like to be able to, in this chamber, make those referrals, but we accept that the government of the day will have the numbers and have indicated that, in the other place, they will ensure that that will not be accepted. We note, though, that in discussions we do have powers of select committees and other standing committees to ensure our own work can be referred, but I also note that that is often limited by our own capacity.

We know full well, when we put up a select committee motion, that we have a lot of work ahead of us when we do it. I can understand why the government has balked at the idea that we

would direct work unfettered and without some caveats to another body, this productivity commission. I am disappointed, however, that a consensus compromise position was not able to be met. I certainly think that some idea of a power of veto, a limit on the number of referrals or even a higher bar to be met than a simple majority may have been well placed in the discussion.

We are disappointed that that compromise conversation did not happen but, because we did not get everything we wanted, we will not simply stand in the way of progress on seeing something that would have been the better option in terms of the fact that this Legislative Council did some fine work, I believe, in improving the transparency and accountability of this body. Despite the fact that the government will now take this away and, regardless of the parliament, establish this body, we do hope that some of those conversations will be respected.

The Hon. F. PANGALLO: I support what the Hon. Tammy Franks has just put. In fact, I thought that there was going to be some type of flexibility and that the government might consider that there could be some veto or a decision made on perhaps the number of referrals that they would be able to accommodate. I am hoping that the Treasurer may consider that, so I support what the Hon. Tammy Franks has said in regard to that.

The Hon. R.I. LUCAS: Let me make the government's position clear. I made it clear this morning and the Hon. Mr Pangallo will know that I had a conversation with him and his colleague this morning where, after a discussion with the Premier, I made the government's position quite clear. It is completely within the purview of the committee, if it wants to reverse the position of that last vote, to reverse the position of that last vote.

The Hon. Mr Pangallo needs to be quite clear what the government's position is. I said it this morning, I said it in the conversation I had with him and the Hon. Ms Bonaros this morning, and I will state it again publicly. The government's position is that we cannot accept the series of amendments we are discussing at the moment and that we are about to conclude discussions on. The principal ones are essentially about the power of the non-government members of the Legislative Council to refer an issue to the commission. I will not go into all the details of the reason; I put that on the record yesterday and I am not going to waste time again today.

Secondly, the major point of, in essence, United States senate-style confirmation hearings of productivity commissioners—the whole notion that the Labor opposition and others could grill potential productivity commissioners in a confirmation-style hearing in the Statutory Authorities Review Committee, and have an ultimate veto right as to who goes on the productivity commission—is something that the Hon. Mr Pangallo should be quite clear the government will not be prepared to accept.

As I indicated in the conversation with the honourable members this morning, and as I said publicly in this chamber soon afterwards, the Legislative Council needs to be quite clear about the government's position. On the first vote the Legislative Council has insisted, although it is completely possible to reverse that decision because there is a range of consequential votes about to come, and we can recommit that particular vote if honourable members, on reflection, want to adopt a position somewhat closer to the position the Hon. Ms Franks just outlined.

The Greens are supportive of the position they have adopted in the Legislative Council; they believe the Legislative Council should have the right to, in essence, veto productivity commissioners. The Greens still believe that Legislative Councillors should have the right to refer inquiries to the productivity commission, but in the end what they have essentially said, what the Hon. Ms Franks has just said on behalf of the Greens, is that they accept the fact that the government went to the election on a productivity commission, they accept the fact that if this bill passes in this form the government has said it will lay the bill aside.

There is no prospect, as the honourable member has just raised, that maybe the Treasurer might like to amend this or amend that. We have made our position clear: that is, if these amendments pass this afternoon in the Legislative Council, it goes down to the House of Assembly and the bill gets laid aside in the House of Assembly. That is the end of it. It is a dead bill. It is a bit like a dead parrot; it is no more, it is finished.

The government will then establish a productivity commission potentially along similar lines to the New South Wales Productivity Commission, which it is not a statutory authority with oversight

of the parliament and others. In essence, and as I explained this morning, the New South Wales one is essentially an officer within a division of the Treasury. The Productivity Commissioner, proudly announced by the New South Wales Treasurer in May, reports to a divisional head of Treasury, who then reports to the Under Treasurer, who then reports to the Treasurer.

There is an alternative model, an attached unit model, which we have in South Australia. That might have an attached unit called a productivity commissioner in Treasury or the Premier's department, and he or she would potentially report directly to the Treasurer or the Premier. They are two models that do not rely on legislation passing the parliament.

Our position is that crossbenchers adopt the position grudgingly, as the Greens have: that is, they still disagree with the government's position but in the end accept the model here as being better than the alternative model the government would institute administratively either through Treasury or the Premier's department. The issue that remains for the Hon. Mr Pangallo and the Hon. Ms Bonaros is that if they wish to move to a position similar to the Greens, there is a series of consequential amendments to the one we have just considered where they could adopt the position the government has adopted and that the Greens, for different reasons, have adopted in relation to not insisting on the amendments.

If they want to do that they could. I am not suggesting that they will, but I am saying it is an option. We could then recommit the clause we have there, and reverse that particular decision. However, the Hon. Mr Pangallo should not leave this committee thinking that there are still options in terms of further compromising on an amendment. He should be clear in his own mind—the government made it clear this morning—that the Legislative Council has some options.

It is not a question of us taking our bat and ball and going home; it is just a question of saying, 'We're going to have a productivity commission. You have two choices: it can either be one which the parliament approves, with the controls that we have talked about, or it could be one à la New South Wales, where the parliament does not control those sorts of issues. It will be done administratively by the treasurer and/or the premier in the government of the day, and it will operate in the same way as the New South Wales Productivity Commission operates.'

Those are the two choices, and they still remain options for the two honourable members from SA-Best, should they so choose. If they maintain the position of the last vote, then there is a series of consequential votes here—there are about 10 amendments that should be treated. Hopefully, we could do them quickly because they are consequential on that last vote. If the two honourable members wanted to change that position and adopt a position closer to that of the Greens, then we would need to have a fresh vote on another one, establish a new position and work our way through the committee process in that way.

The Hon. K.J. MAHER: If it is of assistance—and the Treasurer might like to look to make sure whether that is the case—I know that he would want to move every one as a block. However, as I read it, amendments Nos 3 and 8 to 16 are all consequential on amendments Nos 2 and 3 passing. So I suggest that we treat amendments Nos 3 and 8 to 16 as a block and vote on all of those together for the simplicity of moving this along in the council.

In relation to the Treasurer's comment, I reiterate what I said before: the opposition does not accept that. I would be very surprised if crossbenchers accept the proposition that you vote with exactly what the government wants—that is, the government will not enter into even the smallest bit of compromise on some of these issues—and if crossbenchers do not like it then the government will take their bat and ball and we will not have anything. I think that if we start this parliamentary term under those conditions and cede to those sorts of threats, that will continue for the rest of this parliamentary term; that is, if the government does not get exactly their way and does not even enter into discussions about a compromise—otherwise they will just can everything—then I think we are going to be in a lot of difficulty.

I know a number of other amendments relate to different matters, and I think there are matters where the Hon. Robert Lucas deliberately continues to mischaracterise them as a Senate-style confirmation hearing. That is a separate matter that we will discuss and vote on. There is the matter of the disclosure of pecuniary personal interests that we will also discuss. Finally, there is the matter of the chair appearing before the Economic and Finance Committee, which we will also

discuss. I am going to suggest that we put amendments Nos 3 and 8 to 16 in a block. That, in my understanding, then closes off on the issue of either chamber of parliament being able, upon resolution, to refer something to the productivity commission. Then, there are also the other three matters that I do not anticipate will take a great deal of debate.

However, as I said before, I suggest to honourable members that, if this bill gets up with the government insisting that they will not compromise, it is really no different to doing it the way that they are suggesting. The way that they are suggesting will still have the normal oversight of any expenditure of public funds. The Auditor-General, the estimates committees, committees of parliament and FOIs will still apply to it if it is an administrative unit. There is really no difference between packing up your bat and ball, thumbing your nose at the Legislative Council and starting this as an administrative unit and it being the government's completely uncompromising bill.

We think it is a far better way to make sure that the government understands that the Legislative Council wants to improve bills, wants to make sure they are more transparent, and thinks it is only reasonable that this chamber of parliament has a say. So my suggestion is to put amendments Nos 3 and 8 to 16 as a block. That then finishes the issue that the council has just resolved in amendment No. 2, namely, to continue to insist on what the council had quite rightly said before.

The CHAIR: The Leader of the Opposition is correct. It is our understanding at the table that 3 and then 8 to 16 are consequential to amendment No. 2. So I propose, as suggested by the Leader of the Opposition, to put amendments Nos 3 and 8 to 16 unless any honourable member violently objects. I put the question that amendments Nos 3 and 8 to 16 be insisted upon.

The committee divided on the question:

Ayes 9
Noes..... 10
Majority..... 1

AYES

Bonaros, C.	Bourke, E.S.	Hanson, J.E.
Hunter, I.K.	Maher, K.J. (teller)	Ngo, T.T.
Pangallo, F.	Pnevmatikos, I.	Scriven, C.M.

NOES

Darley, J.A.	Dawkins, J.S.L.	Franks, T.A.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I. (teller)	Parnell, M.C.	Ridgway, D.W.
Stephens, T.J.		

PAIRS

Wortley, R.P.	Wade, S.G.

Amendments thus not insisted on.

The CHAIR: Honourable members, we now turn our minds to amendments Nos 6, 7 and 18. Does any honourable member wish to speak on amendment No. 6?

The Hon. R.I. LUCAS: I will speak briefly because I moved an en bloc motion earlier, and we are now doing them separately, or sort of separately. This is the second significant issue, which is, as I have used the phrase, a United States Senate-style confirmation hearing. This is, again, fundamentally opposed by the government. This, as I understand it, is a stand-alone amendment; there are no consequential amendments on this one. The whole issue is dependent on this particular amendment, and so the government's position, as I outlined earlier today, is that we call on the Legislative Council not to insist on this amendment. Again, if this amendment remains part of the bill,

all of the issues that I have raised earlier, and I will not repeat again, would remain and the bill would be set aside.

The Hon. K.J. MAHER: I might just reiterate the opposition's point of view that this is an important part of the bill as it currently stands, as it was amended in this place. We would submit that the Legislative Council should stick to its guns and continue with this amendment so that the individuals who are appointed to the productivity commission have some sort of process that they go through rather than just the political whims of the government of the day.

The Hon. F. PANGALLO: We are probably prepared to concede this one, but we are concerned certainly in relation to the disclosure of pecuniary and personal interests. We would have thought that that was of great importance to this.

The Hon. I.K. HUNTER: I dare not usually intrude myself into these debates, but I do so today to remind honourable members who have been here before and those who are new to this chamber that, as to the arguments we have heard from the Hon. Mr Lucas, we have heard them all before. We have heard them from me and others when we were in government, taking a breakneck approach to these bills and standing up here, swearing black and blue that this is the end of it and, 'If you do not go with us the bill is dead and buried.' And what have we seen? Once the Legislative Council has stuck to its guns and insisted on its principles and it heads back to the lower house for the second time, the government crumbles, because they get 95 per cent of what they wanted.

So I would say to the legislative councillors who are considering this position: stick to your guns. If you do want to negotiate, then wait for it to go back to the House of Assembly where the government knows that they have to deal with the Legislative Council and get the negotiated outcome that they wanted in the first place.

The Hon. T.A. FRANKS: Mr President, I am just going to point out the bleeding obvious, through you. This does not have to ever come back here. The government does not need to pass a bill through the parliament to make their own productivity commission, whether they get 100 per cent of what they want rather than in fact the negotiated version that this Legislative Council was able to make amendments to.

I remember full well standing side-by-side with the Labor opposition, the then government, on the bank tax. I remember full well threats about many, many other bills. The difference here is that the government does not actually need the parliament to pass this bill. We have no card to play. So fine, stand firm. I wish you had stood firm on the bank tax. That would have been really good and appreciated—not you, Mr President, of course; through you, Mr President.

I wish Labor, now in opposition, had stood firm on the bank tax. We were more than happy to back them with that with other pieces of legislation where legislative tools are required. Of course we have that come back. Of course it has to pass both houses of parliament. But in this case we all know full well the government can just go and do this regardless of the parliament. That is the reality of the situation.

The CHAIR: Any other contributions by honourable members? So I now put the question that amendment No. 6 be insisted on.

Amendment not insisted on.

The CHAIR: We now come to amendment No. 7. Does any honourable member wish to speak on this amendment? Leader of the Opposition.

The Hon. K.J. MAHER: The opposition again submits that amendment No. 7 is a very important amendment. Again, as I outlined this morning when we started talking about these matters, the disclosure regime is in fact identical to the compromise position the government came up with for the health board's bill. The Legislative Council put in a rightly rigorous disclosure regime for the health board's bill; it went back down to the House of Assembly; the government did not like that level of transparency—the level of transparency that the Legislative Council had suggested—so the government put in an alternative model which is what has been inserted into this bill.

This is not something that is an onerous, outrageous disclosure regime; this is in fact the regime that the government insisted upon, and they were the ones who inserted it into a bill only a

couple of weeks ago. There is absolutely no cogent reason why it should not apply in this bill, given it is what the government itself put into a bill we considered only a couple of weeks ago.

The Hon. T.A. FRANKS: I support the Leader of the Opposition quite wholeheartedly on that contention. It is quite extraordinary that the government is insisting that this is a deal breaker, to ensure proper accountability and transparency; it is not about the ability of the Legislative Council to affect or direct this body. This is simply about this body having the highest and most appropriate standard of accountability about their pecuniary interests. Certainly I think the government has a question to answer as to why it has decided to die in this particular ditch.

The Hon. F. PANGALLO: Yes, it is quite disappointing. I agree with the Leader of the Opposition that this is quite an important aspect of the bill. I think it needs to reflect the government's own commitment going to the election about accountability and transparency. Can I also say that credibility is quite important. If I can quote from a lecture by Professor Gary Banks. Professor Gary Banks, of course, was the first chairman of the federal Productivity Commission. In relation to institutions like the Productivity Commission he said:

> Necessary design features for such institutions include independent governance, transparent processes, solid research capacity, an economy-wide frame of reference and linkages to policy-making mechanisms within government.

He goes on further to say:

> Choosing the wrong person to head an inquiry, typically a confidante of a minister or someone who is known for strong opinions on a topic, can be fatal to the inquiry's public credibility and thus to its value as a vehicle of reform. The minimum requirement for such appointments could be described as confidence without conflicts.

I totally agree with that, so we will be supporting the Leader of the Opposition.

The Hon. M.C. PARNELL: I have not been engaging overly in this debate because my colleague the Hon. Tammy Franks has been eloquently putting the Greens' position on the record. I think this is an important clause in relation to disclosure of pecuniary and personal interest, because it seems to me that the issue of conflict of interest is something that has been degraded, demeaned and diminished over time. We are all familiar with people like Donald Trump and his attitude to things like that, but we only need to look across the border into Queensland where people might remember Russ Hinze who was appointed the minister for racing, and he owned 167 racehorses. It was suggested to him by a journalist that maybe he had a conflict of interest and he said, 'No, it just makes me an expert.'

If we were to get that sort of attitude on this productivity commission, where someone who was a director of a company or owned in their own personal capacity a lot of shares in an industry that was being looked at, especially if it was being looked at with a view to it getting public subsidy or support, then that would be outrageous, and so these disclosures absolutely do need to be made and so I support my colleague the Hon. Tammy Franks. If this particular clause is a deal breaker then that says much more about the government than it does about the Legislative Council. This is a good amendment and it should stay in.

The Hon. R.I. LUCAS: For the benefit of the Hon. Mr Parnell, I point out that there is in the government bill a provision in relation to conflict of interest, which mirrors exactly the provision that is in the Essential Services Commissioner's legislation. As the government argued when we debated this yesterday or the day before, the closest thing that we can see to the productivity commissioner is the Essential Services Commissioner.

However, the Essential Services Commissioner has more power than the productivity commissioner. The Essential Services Commissioner actually makes final decisions in relation to pricing issues. Water pricing, port charges and those sorts of things are decisions that they make, whereas the productivity commission is actually just an advisory body. It just advises governments under the government bill about policy direction.

As we have seen with the federal Productivity Commission, it is an advisory body, and on the horizontal fiscal equalisation the federal government has said, 'We hear what you say. We understand what you say, but we are disagreeing with everything that you say and we are not going to implement your recommendations.' The Essential Services Commissioners actually have more power, separate from politicians, parliament and everyone. We have set them up as an independent

regulatory authority and they make final decisions in relation to issues. The productivity commission will be just a recommending body.

The government's bill with conflict of interest provisions in it is actually the same as the Essential Services Commission. It is not as if there is no conflict of interest provisions there. The conflict of interest provision in the bill says the chair must inform the minister in writing of any direct or indirect interest that the person has or requires in any business or in any body corporate carrying on business in Australia or elsewhere, or any other direct or indirect interest the person has or acquires that conflicts or may conflict with the person's functions.

It is not as if there are no conflict of interest provisions. There are explicit conflict of interest provisions in there. It then says under subclause (2):

> The Chairperson, Acting Chairperson, Commissioner or delegate must take steps to resolve a conflict or possible conflict between a direct or indirect interest and the person's functions in relation to a particular matter, and, unless the conflict is resolved to the Minister's satisfaction, the person is disqualified from acting in relation to the matter.

So there is a process that the commissioner or the chair must inform the minister in writing of any direct or indirect interest that might conflict with the work. They then have to try to resolve the issue to the minister's satisfaction, and if that is not possible, then the commissioner is disqualified from acting in relation to that particular matter.

As I said, whilst I understand the position being put, that the non-government members in the chamber who have spoken have indicated that they believe the alternative disclosure provision, which they have pointed out was included in the health governance bodies, is the appropriate one, the government has chosen the Essential Services Commissioner model. Again, I make the point that in relation to the governing councils in the health area, as I understand it, they will actually have a budget. They will make final decisions in relation to delivery of services within some sort of contractual agreement, I understand, with SA Health.

There will be a CEO, there will be a board, and they will actually make decisions, sometimes—often—independently of a decision of the minister, that is, the board will be taking decisions as to how the tens or hundreds of millions of dollars might be spent within that particular area health network. Again, I contrast this with the productivity commission, which will not actually make any decisions, other than recommend on important issues to government a policy direction, which the government of the day can accept or reject in terms of where you head.

So there are, clearly, differing roles and functions, both of the Essential Services Commission, upon which we have modelled this conflict of interest provision, or the alternative model, which the non-government members have chosen—the health governing councils—and said, 'Well, hey, you put it in that; why wouldn't you put it in this?' The difference is that one body actually makes final decisions, independent of government to a certain level—there will obviously be an agreement, and within that agreement that board or authority will make its decisions—whereas the productivity commission at no level can make independent decisions; it will just recommend to the government of the day.

We therefore do see a difference and there are therefore, in terms of managing a health budget in a particular area, some explicit provisions in relation to how you would manage it because there are quite clear potential conflicts, because they are making decisions and there might be conflicts between business interests or personal interests of members.

The productivity commission will be recommending to a government, and in terms of conflicts there is a process there that they have to resolve. In the end, even if, contrary to the bill that is proposed, they did not disclose a particular interest, or whatever it was, then ultimately the government of the day can accept or reject the recommendations of the commissioners in that respect. That is the background to the reason for the difference.

I will be frank and say that the government's major issues and problems related to the first two issues about which we have determined views in the council, which was the United States Senate-style confirmation hearings and the power of the council to refer to the commission. In order

of magnitude, the government's position is those two; conflict of interest we still disagree with, but it is not of the same order of magnitude as those first two issues.

The Hon. K.J. MAHER: I thank the Treasurer for his contribution. The Treasurer is saying that different regimes apply: the regime that eventually was settled on for the health boards bill, which has a higher standard of disclosure of pecuniary or personal interest, or there is a lesser one that deals with conflict that is in the ESCOSA bill, to which he would prefer us to be more akin.

The Treasurer is basically saying, 'Look, we think the productivity commission is more akin to ESCOSA, so we should have the lesser regime apply, not the greater regime.' I thank the Treasurer for his suggestions, and I think we will closely consider an amendment to the ESCOSA bill to include this as well. I do not think we should—

The Hon. R.I. Lucas: You're not in government.

The Hon. K.J. MAHER: I do not think we should look—a private members' bill can make any changes to a bill. I do not think we should be fooled by the Treasurer with his argument that there is a lesser regime, so that is the only one we can choose. Let's lift the tide on all of them.

We can have an amendment to the ESCOSA bill so that all these schemes operate under a higher level of disclosure and pecuniary interest. I might ask some guidance from the Chair. I think the advice on Tuesday, or when we last considered this, was that because this is a new bill it is capable of amending any other bill. So could we today amend the ESCOSA bill to include this regime, in line with the advice given yesterday?

The CHAIR: No, it is not relevant.

The Hon. K.J. MAHER: May I ask the Chair: what is the distinction between amending the government enterprises bill—

The CHAIR: Because it goes outside the scope of this bill.

The Hon. R.I. Lucas: Do you want to see this finished today or not?

The Hon. K.J. MAHER: It may well come back as a private members' bill then to amend the ESCOSA bill to have the greater level of disclosure.

The Hon. C. BONAROS: I appreciate that my colleague predominantly has been dealing with this bill, but I have to agree with the comments of my colleague the Hon. Frank Pangallo, the Hon. Mark Parnell, the Hon. Tammy Franks and the Leader of the Opposition. I think the Treasurer's remarks just now have reinforced that position, if nothing else. He has said the decisions of the productivity commission are such that they recommend policy direction to government, and if there are interests there and there are people with those interests making those policy direction recommendations then I think that is something we ought to know about. If anything, I think the comments have further reinforced our support for this amendment, and we will be sticking to that.

The Hon. J.A. DARLEY: I thank the Treasurer for the further explanation and, as such, I will not be insisting on the amendment.

The Hon. F. PANGALLO: I am not sure about the Treasurer's threat that if we do not accept this they are just going to go and set up their own because all that just flies in the face of what credible experts around the country are saying when you set up institutions like this, which is that they need to be independent and that it will affect and impact on their credibility. If the government is going to decide, 'Well, we are going to go away and set up our own. We will appoint our own commissioners. We will tell them what to do,' it really does detract from the productivity commission bill that they put up themselves.

I just cannot understand the government's stance in saying one thing about what it wants, and then it will go away and virtually present something that is going to lack credibility and perhaps not even win the trust of the public. Again, we will stay with the Leader of the Opposition and dig our heels in.

The CHAIR: Does any other honourable member have a contribution? I put the question that amendment No. 7 be insisted upon.

The committee divided on the question:

Ayes.....11
Noes 8
Majority 3

AYES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Pangallo, F.	Parnell, M.C.	Pnevmatikos, I.
Scriven, C.M.	Wortley, R.P.	

NOES

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

PAIRS

Ngo, T.T.	Wade, S.G.

Amendment thus insisted on.

The CHAIR: We have now arrived at amendment No. 18.

The Hon. K.J. MAHER: I rise to speak on and commend to the Legislative Council that we insist upon amendment No. 18. We think it is entirely reasonable that the chair of the productivity commission is responsible, in the conduct of what they do in terms of the productivity commission, to appear at least once a year, as the clause states, before the Economic and Finance Committee. This is not a particularly onerous level of accountability for this commission which, under the Treasurer's statements that we heard earlier today, is an incredibly powerful position that will be recommending policy to government.

The Hon. T.A. FRANKS: Again, I am not sure why the government, to reiterate, is willing to die in a ditch on this one. To compel appearance before a parliamentary committee once a year is hardly an onerous request. It is something that potentially committees of this parliament can and will do anyway, so it is extraordinary that this one is being insisted on.

The Hon. R.I. LUCAS: In the spirit of conviviality and camaraderie that has imbued this chamber in the committee debate, let me add to that by indicating that—I only speak as an individual—I do not know that the government will die in a ditch over this particular issue. The two fundamental issues to the government, as long as they are sustained by one further vote on recommittal, are the United States Senate-style hearings and the power of referral.

The Legislative Council has expressed its view in relation to the conflict of interest provisions and, in light of that, I would be happy to have a discussion with the Premier between the houses in relation to the government's position should that be the package that goes. If tacked on to the end of that was an annual appearance at the Economic and Finance Committee—I cannot put words into the Premier's mouth, but certainly from my viewpoint—I am not sure that would be a die in a ditch type of issue for the government or the Premier. I do not profess to speak on behalf of the Premier, but I indicate that I would be happy to have a discussion on it.

From my discussions with colleagues in this chamber, my understanding is that the numbers are there to insist on this amendment, so I will not choose to divide on this issue.

The Hon. F. PANGALLO: We will be supporting the Leader of the Opposition on that. I really do not think it is an onerous ask to have them appear before a parliamentary committee.

The Hon. J.A. DARLEY: I will be supporting the opposition on this one.

The CHAIR: I put the question that amendment No. 18 be insisted upon.

Amendment insisted on.

Amendment No. 5:

The Hon. R.I. LUCAS: I move:

That the council do not insist on its amendment No. 5 and agrees to amendments Nos 1 to 3 made by the House of Assembly in lieu thereof.

This was the end result of a package of amendments. Contrary, I think, to the unfair characterisation of the government that it said it was all or nothing, we did compromise on a number of amendments the Hon. Mr Darley moved in relation to two amendments and that the Hon. Mr Pangallo moved in relation to one amendment.

For the third amendment the government came up with an alternative proposition in relation to the competitive neutrality regime. That has been further discussed with the Hon. Mr Darley, because it was his original amendment. He can speak for himself, but I am hopeful that there might have been some agreement in relation to the amendment we put in the Legislative Council that the Hon. Mr Darley was still unhappy with.

To refresh honourable members' memories, competitive neutrality can be investigated under an existing act, and the government's position was that if there were a complaint about competitive neutrality it could go to the minister, who could get the productivity commission to go off and do the work under the current structure of the Government Business Enterprises (Competition) Act because there is a structure there as to what has to happen for competitive neutrality investigations.

The Hon. Mr Darley's position, as I understand it, is that he would still like a complainant to be able to go to the productivity commission as well as to the minister. The compromise amendment allows for both; that is, if it goes to the productivity commission and they decide they want to do a competitive neutrality investigation they will do so. They will take themselves off and do that investigation under the auspices of the Government Business Enterprises (Competition) Act. They will use that structure, but the trigger point that the Hon. Mr Darley was concerned about was that it should not just be a complainant being able to go to a minister, he or she should be able to go to the minister or to the productivity commission directly.

I guess that caters to the situation where a minister unreasonably rejects a competitive neutrality complaint and does not refer it to the productivity commission. In those circumstances the complainant could go directly to the productivity commission and the productivity commission could institute a competitive neutrality complaint under the current legislative framework. My understanding is that possibly the Hon. Mr Darley is comfortable with that. We are certainly moving this compromise amendment in the anticipation that there is now a compromise position on that, and if that is the case we urge honourable members to accept this compromise.

The CHAIR: The first question is that the council insist on its amendment No. 5. If you support the Treasurer's position you vote no.

Amendment not insisted on.

The CHAIR: I put the further question that the council agrees to amendments Nos 1 to 3 made by the House of Assembly in lieu thereof.

Alternative amendments carried.

The PRESIDENT: Honourable members, I report that the committee has considered the message from the House of Assembly and has resolved to insist on its amendments Nos 2, 7 and 18; to not insist on its amendments Nos 3, 6 and 8 to 16; to not insist on amendment No. 5; and has agreed to amendments Nos 1 to 3 made by the House of Assembly in lieu thereof.

The Hon. R.I. LUCAS: I ask that message No. 42 from the House of Assembly, relating to the South Australian Productivity Commission Bill, be recommitted in respect to amendment No. 2 of the Legislative Council, to which the House of Assembly has disagreed.

The PRESIDENT: Before we get to that, we need a motion that the report be adopted.

The Hon. K.J. MAHER: May I speak to the question?

The PRESIDENT: You may.

The Hon. K.J. MAHER: I will speak briefly to say that the opposition will be opposing the recommittal. I will flag that this is the issue that we that we have agitated about, namely, either house of parliament, by a majority motion of that house of parliament, being able to refer a matter to the productivity commission. I flag that, if the recommittal fails—that is, if the will of the Legislative Council goes back to the idea that a house of parliament should be able to put something to the productivity commission—the opposition will then be recommitting amendments Nos 3 and 8 to 16 to reinsert the consequential amendments.

So the opposition will not be supporting this recommittal. We will be voting against this recommittal. If that is successful, the opposition will be putting that amendments Nos 3 and 8 to 16 be recommitted to allow those consequential amendments to allow a chamber of parliament to refer something to the productivity commission. We do so because we think this is critically important.

The Parliamentary Budget Advisory Service has been stopped by this current government. There is now no other way for a crossbench member or other members of parliament to seek advice on the economic impact or the financial impact of policies that it might propose. This would be the only way, to use the productivity commission. We have seen the Treasurer say that he is happy to have discussions between the chambers in relation to other parts of this. As the Hon. Ian Hunter said, governments regularly jump up and down and say, 'This is it. It's all or nothing. If you don't take this, there will be nothing at all,' then, regularly, governments pretty quickly compromise.

If we recommit this and vote it down, that is it: there is no more negotiation. The government gets 100 per cent of what they want in relation to this. If we vote against a recommittal and then recommit the other clauses, it keeps it alive so that there is the possibility of further negotiation. As the Treasurer has admitted in relation to other matters, he is happy to have discussions between the chambers. Recommitting this and voting it down means that it is over and there is not even a possibility of negotiation on this matter. So the opposition will be voting against the recommittal. If the opposition is successful in that vote, we will be recommitting amendments Nos 3 and 8 to 16.

The Hon. R.I. LUCAS: I think the choices for members are clear in relation to this. We now have two conflicting sets of amendments in the bill. That is what the recommittal is about: to confirm the position. That is, there is a package of about 10 amendments, which was the second vote we had, which confirmed the position that the Legislative Council would not be able to refer matters to the productivity commission. That was the final vote that was taken.

There was a package of about 10 amendments, amendments Nos 3 and 6 to 16, whatever that motion was, and that particular position was the final position adopted by the committee. There was an earlier vote in the committee which went the other way, so the two positions are inconsistent. What this recommittal is about is simply to have a consistent set of amendments which leaves the Legislative Council, in relation to this issue, with the power to refer issues to the productivity commission.

Contrary to what the Leader of the Opposition has just said, let me make the point very clearly that there are two issues about which we have spoken at great length where the government has said they will just not move in relation to these particular issues. If the bill goes back, along the lines the Leader of the Opposition wants, then the bill will be laid aside and we will proceed with the productivity commission in the alternative, as I have explained.

The only other point I would make is that it is a little bit disingenuous of the Leader of the Opposition, and he knows it to be the case, when he says the new government abolished the parliamentary advisory service. The former government established the parliamentary advisory service on a time-limited period through to 30 June. Former deputy under treasurer John Hill was appointed on a fixed-term contract which expired on 30 June. All of the staff were appointed on fixed-term contracts.

The former treasurer made it quite clear that the former government's intention was that its work would finish straight after the election on 30 June. The claim from the Leader of the Opposition, which he knows to be wrong, that the new government has abolished the parliamentary advisory service as an independent form of advice to members of parliament, is untrue. It does him no good to make that claim on the record in the Legislative Council. Put that to the side; that was a red herring.

It is clear that the last substantive vote in the Legislative Council committee stage was to confirm the position. This recommittal just tidies it up because an earlier vote was inconsistent with it. We ask members to support this—and it might be a division—for a recommittal.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The debate has been summed up; you do not have a right to be heard. I put the question that—

Members interjecting:

The PRESIDENT: Order! I am putting the question that message No. 42 be recommitted in respect of amendment No. 2.

The council divided on the question:

Ayes 9
Noes..... 10
Majority..... 1

AYES

Dawkins, J.S.L.	Franks, T.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Parnell, M.C.	Ridgway, D.W.	Stephens, T.J.

NOES

Bonaros, C.	Bourke, E.S.	Darley, J.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Pangallo, F.	Pnevmatikos, I.
Scriven, C.M.		

PAIRS

Wade, S.G.	Wortley, R.P.

Question thus negatived.

The Hon. R.I. LUCAS: I will move that the report be adopted.

The Hon. K.J. MAHER: Mr President, I foreshadowed I was moving a recommittal of amendments Nos 3 and 8 to 16.

The PRESIDENT: No, you did so in the event that the other was recommitted. They were your words.

The Hon. K.J. MAHER: Are you not allowing me to move a recommittal of those amendments?

The PRESIDENT: I will give you a moment to reconsider it, but they were your own words—your own words. You have to be very careful what you say, Leader of the Opposition, in divisions like this. Are you making the application to me?

The Hon. K.J. MAHER: I am making the application to you to recommit amendments Nos 3, and 8 to 16.

The PRESIDENT: I will put the question. Do you wish to have debate? Treasurer.

The Hon. R.I. LUCAS: Only very briefly. We will be opposing this and we will divide on it. One never knows what the results of these divisions will be, so I await with anxious anticipation.

The Hon. M.C. PARNELL: I do not think I am Robinson Crusoe here in being slightly confused. My understanding is that the Legislative Council has now passed a bill that has some mutually inconsistent provisions in it. The question is: which way are we going to lean? The inconsistency has to be removed some way. My understanding is it is via recommittal. If we do not recommit, the inconsistency stands. I am not sure what latitude parliamentary counsel have. In a previous bill we talked about them being able to fix things up where there were some consequential administrative fix-ups, but I am not sure that this is within their remit. I would be happy if people needed to take advice, because otherwise we are just going to keep dividing and going backwards and forwards and not actually getting anywhere.

The PRESIDENT: Does any other honourable member wish to contribute to this debate? I will put the question that message No. 42 be recommitted in respect of amendments Nos 3 and 8 to 16.

The council divided on the question:

Ayes 10
Noes 9
Majority 1

AYES

Bonaros, C.	Darley, J.A.	Hanson, J.E.
Hunter, I.K.	Maher, K.J. (teller)	Ngo, T.T.
Pangallo, F.	Pnevmatikos, I.	Scriven, C.M.
Wortley, R.P.		

NOES

Dawkins, J.S.L.	Franks, T.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Parnell, M.C.	Ridgway, D.W.	Stephens, T.J.

Question thus agreed to.

Amendments Nos 3 and 8 to 16 reconsidered.

The CHAIR: Leader of the Opposition, you are now to move, if you so choose, that amendments Nos 3 and 8 to 16 be insisted upon.

The Hon. K.J. MAHER: I move:

That amendments No. 3 and 8 to 16 be insisted upon.

The CHAIR: Does any honourable member wish to make any contribution? Treasurer.

The Hon. R.I. LUCAS: The government opposes it and will call a division because one never knows what the result might be.

The CHAIR: Does any other honourable member wish to make a contribution? I put the question that amendments Nos 3 and 8 to 16 be insisted upon.

The committee divided on the question:

Ayes 10
Noes 9
Majority 1

AYES

Bonaros, C.	Bourke, E.S.	Darley, J.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Pangallo, F.	Scriven, C.M.
Wortley, R.P.		

NOES

Dawkins, J.S.L.	Franks, T.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Parnell, M.C.	Ridgway, D.W.	Stephens, T.J.

PAIRS

Pnevmatikos, I.	Wade, S.G.

Amendments thus insisted on.

The PRESIDENT: I have to report that the committee has further considered message No. 42 from the House of Assembly and resolved to insist on its amendments Nos 2, 3, 7, 8 to 16, and 18, to not insist on its amendment No. 6, to not insist on its amendment No. 5, and has agreed to amendments Nos 1 to 3 made by the House of Assembly in lieu thereof.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (RULES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 July 2018.)

The Hon. C.M. SCRIVEN (17:00): I rise today to support this bill on behalf of the opposition. The work of this national reform began under the former minister for energy, the Hon. Tom Koutsantonis. I commend him for his role in formulating this COAG agreement, and for his unwavering commitment to reliable, affordable, clean and secure energy for South Australians.

Today's bill is a result of work that first began in 2016. Faced with a broken National Electricity Market (NEM), the nation's energy ministers agreed to undertake an independent review of the NEM to take stock of its current security and reliability. Dr Alan Finkel AO, Australia's Chief Scientist, was appointed chair of the expert panel to conduct the review and develop a coordinated national reform blueprint.

One of the key recommendations of Dr Finkel's review was the establishment of the Energy Security Board. The board comprises the Australian Energy Market Commission (AEMC), the Australian Energy Market Operator (AEMO) and the Australian Energy Regulator (AER), with an independent chair and deputy chair. The board is responsible for the implementation of Dr Finkel's national reform blueprint, as well as providing whole-of-system oversight of the security and reliability of the NEM.

At the COAG Energy Council meeting in Brisbane on 14 July 2017, ministers agreed that there was a need to provide a mechanism to allow for the timely implementation of the Energy Security Board's recommendations. The government's bill establishes this mechanism.

As South Australia is the lead jurisdiction responsible for passing legislation on behalf of the NEM states, the South Australian energy minister takes carriage of this bill. The government's bill establishes a mechanism by which a recommendation of the Energy Security Board to make a rule can be made by the South Australian energy minister under the national electricity law, national gas law or national energy retail law.

A proposed rule must be in connection with energy security and reliability, or long-term planning of the National Energy Market. The recommendation to make a rule must have the unanimous support of the Ministerial Council on Energy (MCE). The board's proposed rule must be in connection with energy security and reliability, or long-term planning of the NEM.

Under the national gas law, proposed rules may also be in relation to investment in and operation and use of national gas services. Once recommended by the board, a proposed rule must receive the unanimous support of ministers, then the Ministerial Council on Energy can recommend that the rule be made by the SA energy minister. Once made by the SA energy minister, the rule becomes indistinguishable from all other rules over which the AEMC has jurisdiction.

This bill is a sensible approach to ensuring the Energy Security Board can respond to the rapidly changing electricity market, and implement real changes in a timely manner. I commend both the former Labor government and the Liberal government for their work on this bill.

In closing, I will also take the opportunity to acknowledge the important work of the former Labor government in establishing South Australia as a leader of renewable energy, not just in Australia but across the world. I commend the bill.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (17:03): On behalf of the government I will sum up the debate. Only the opposition, the Hon. Clare Scriven, has made some comments, and I thank her for those comments. Some of the comments she made would have, in another era, provoked some response from me, but in the interests of progressing this this evening I thank her for her contribution and commend the bill to the chamber.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (17:06): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 July 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:07): I will not speak for very long at all on the bill. It reintroduces a number of measures that were in an earlier Labor bill that did not pass the last parliament. These are sensible measures in relation to the confiscation of assets from criminals. I will not talk, as I said, in much detail at all.

I had a conversation with the Attorney-General this afternoon and I appreciate her calling me to let me know the importance of this bill. She did flag that, whilst there are no matters necessarily over the winter break that this bill might affect, we cannot exclude the possibility that there might be matters where the provisions of this bill may needed over the winter break. On that basis, we are happy to support the bill that introduces many measures that Labor had previously introduced. I can flag that I will not have any questions, contributions or amendments during the committee stage.

The Hon. C. BONAROS (17:08): I want to make a couple of comments. We do support the passage of this bill and, while we do not have any concerns about the operation of the bill per se, I have raised concerns about credits to the justice rehabilitation fund from the proceeds of moneys obtained from the sale of confiscated assets from prescribed drug offenders, how these moneys are to be spent and where they are directed.

I have raised those concerns with the Attorney-General's office and they have kindly indicated their willingness to continue that dialogue over the winter recess in relation to those

concerns. That was specifically in terms of those moneys being addressed towards drug rehabilitation programs, particularly in prisons. We will be supporting the passage of the bill.

The Hon. R.I. LUCAS (Treasurer) (17:09): I thank honourable members for their contributions and indications of support for the bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:10): I move:

That this bill be now read a third time.

Bill read a third time and passed.

TERRORISM (POLICE POWERS) (USE OF FORCE) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:12): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and the detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

As part of the Government's election commitment to introduce a broad suite of measures to keep the community safe from the evolving threat of terrorism, I am pleased to introduce the Terrorism (Police Powers) (Use Of Force) Amendment Bill 2018.

This Bill is the culmination of longstanding Liberal Policy, which the former Minister for Police suggested was not necessary and not required.

At present, SAPOL officers are governed in how they are allowed to use their firearms and lethal force by a series of general orders. The Bill seeks to provide a clear legislative statement for South Australian police officers that they are protected from criminal liability if they are required to use force, including lethal force, when responding to a terrorist incident.

These amendments are informed by the approach taken in New South Wales, and the recent Bill introduced by the Western Australian Government, in response to the New South Wales State Coroner's investigation into the Lindt Café siege. The coroner concluded that it may be that special powers available to police responding to terrorist incidents should include a more clearly defined right to use force and recommended that the Minister for Police consider amendments to the *Terrorism (Police Powers) Act 2002* (NSW) to ensure that the legal position of police officers resorting to the use of deadly force is sufficiently clear and certain to enable them to respond to terrorist incidents in a manner most likely to minimise the risk to members of the public.

The actions undertaken in this Bill reinforce this Government's determination to equip the Commissioner of Police with the necessary powers to combat terrorism.

The attacks on Lindt, on Bourke Street, in Paris, in Manchester and across the world are at the forefront of our mind today. These attacks are unfortunately becoming all too frequent.

As a Government the safety and security of the community is the utmost priority.

This Bill will follow on from New South Wales and ensure South Australia has strong counterterrorism legislation, in the unwelcome circumstance that it should be required.

The Bill inserts Part 2A into the *Terrorism (Police Powers) Act 2005* to provide for terrorist act declarations by the Commissioner of Police (or the Deputy Commissioner of Police if the Commissioner is unavailable).

The Commissioner can make a terrorist act declaration if satisfied that an incident to which police officers are responding is, or is likely to be, a terrorist act and planned and coordinated police action is required to defend any persons threatened by that act or to prevent or terminate their unlawful detention. The terrorist act declaration will apply to each location at which police officers are responding to the incident, which may include vehicles, buildings or other structures.

A declaration must be in writing, however, in urgent circumstances the declaration may be made orally and then confirmed in writing as soon as reasonably practicable to do so. If a declaration is revoked, the protections offered

by Part 2A continue to apply until the officer is aware of the revocation or the officer ought reasonably to have been aware of the revocation, whichever comes first.

Proposed new section 27B(1) sets out the police action authorised under a terrorist act declaration. That is, a police officer who has authorised, directed or used force (including lethal force) in relation to a declared terrorist act will not incur any criminal liability if the use of force was reasonably necessary in the circumstances as the officer perceives them to be.

Subsection (2) further provides that the protections in subsection (1) do not apply to the action of a police officer that was in contravention of an order of the police officer in charge of the police officers responding to the incident or that was not in good faith.

This Bill also includes a provision to protect the identity of police officers involved in the use of force. Proposed new section 27C provides that if a person is to give evidence that would tend to reveal the identity of a relevant police officer involved in the use of force, the court must make an order requiring all persons to absent themselves from the proceedings while the evidence is being given. The new provision also restricts the publication of any statement or representation that would reveal the identity of a relevant police officer unless the officer consents or the Supreme Court makes a publication order.

Notably the legislation will commence on assent.

To conclude, this Bill builds on the announcement made by the then Opposition in August 2017.

Although this issue and urge for legislative change was discussed at Council of Australian Government meeting in Hobart last year, no action was taken by the Former Government.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Terrorism (Police Powers) Act 2005*

3—Amendment of section 2—Interpretation

This clause inserts definitions for the purposes of the measure.

4—Insertion of Part 2A

This clause inserts a new Part as follows:

Part 2A—Terrorist act declarations

27A—Declaration

This section provides that the Commissioner of Police may make a terrorist act declaration (or the Deputy Commissioner if the Commissioner is not able to be contacted when an urgent declaration is sought). The provision also prescribes the manner of notification and revocation of such declarations.

27B—Use of force in relation to declared terrorist act

This clause provides that a police officer does not incur any criminal liability for authorising, directing or using force (including lethal force) that is reasonably necessary, in the circumstances as the police officer perceives them, to defend any persons threatened by an incident that is the subject of a terrorist act declaration or to prevent or terminate their unlawful deprivation of liberty. This protection will not apply if the police officer's action was in contravention of an order of the police officer in charge of the police officers responding to the incident or was not in good faith.

If a court finds that a declaration has not been validly made, any action taken by the police officer up until the date of the finding is to be treated as if the declaration were valid. If a declaration is revoked, this provision applies to any actions taken by the police officer until the police officer becomes aware or, acting reasonably, ought to be aware of the revocation.

27C—Identity of police officers not to be revealed in court or published

This provision requires a closed or restricted court if, in any proceedings, a person is to give evidence that directly or indirectly identifies a person as a police officer who has taken police action to which section 27B(1) applies (a *relevant police officer*) and makes it an offence to publish material by which the identity of a person as a relevant police officer is revealed or from which such identity might reasonably be inferred, unless the police officer consents to the publication. The penalty for that offence is a fine of $10,000

for a natural person or $120,000 for a body corporate. The Supreme Court may however authorise publication despite the lack of consent of the officer concerned.

Debate adjourned on motion of Hon. I.K. Hunter.

PAYROLL TAX (EXEMPTION FOR SMALL BUSINESS) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:12): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and the detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

This Bill, one of our many election commitments, proposes amendments to the *Payroll Tax Act 2009* to scrap payroll tax for small businesses.

The people of South Australia spoke in the 2018 election of their desire for change. Change that will create more jobs and assist small businesses. Our policy platform was based on the mantra of More Jobs. Lower Costs and Better Services. This Bill certainly does that to reset the parameters

With these amendments, from 1 January 2019, businesses with annual taxable wages of up to $1.5 million will be exempt from payroll tax and those with wages between $1.5 million and $1.7 million will benefit from a reduced payroll tax rate. These changes are expected to benefit around 3,600 businesses reducing the payroll tax they pay by an estimated $44.5 million each year, with individual businesses saving up to $44,550 per annum. It is estimated that 3,200 of these businesses will be exempt from payroll tax, and 400 will receive a reduction in their payroll tax liability.

Payroll tax is currently levied on taxable wages at the rate of 4.95 per cent above an annual tax-free threshold of $600,000. The changes in this Bill will mean that businesses with annual taxable payrolls below $1.5 million will no longer be liable for payroll tax. Businesses with annual taxable wages above $1.5 million will continue to receive a deduction of up to $600,000 from their taxable wages, consistent with the existing tax-free threshold. To smooth the transition to standard rates of payroll tax, businesses with taxable wages between $1.5 million and $1.7 million will pay a tax rate that increases proportionately from zero per cent at $1.5 million to 4.95 per cent at $1.7 million in taxable wages. Businesses with annual taxable wages above $1.7 million will continue to pay a rate of 4.95 per cent.

The Bill will also amend the threshold for weekly wages at which businesses are required to register for payroll tax and the monthly payroll tax payment amounts, in line with the proposed changes.

These changes will remove a major disincentive to businesses, creating more jobs and employing more people, as well as making South Australia a much more attractive place to invest in and grow businesses. Once again this is an example of our Government delivering for the people of South Australia.

I commend the Bill to Members and I seek leave to insert the explanation of clauses into Hansard.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Certain amendments are required to come into operation on 1 July 2018 in order to provide for the calculation of payroll tax liability for the 2018/19 financial year. Other amendments will come into operation on 1 July 2019.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Payroll Tax Act 2009*

4—Amendment of section 3—Interpretation

A definition of *2018/19 financial year* is inserted.

5—Amendment of section 8—Amount of payroll tax

Section 8 is consequentially amended to specify that Schedules 1A and 2 set out the amount of payroll tax payable for the 2018/19 financial year.

6—Amendment of section 80—Designated group employers

This amendment is consequential.

7—Amendment of section 82—Determination of correct amount of payroll tax

Section 82 is consequentially amended to provide that the *correct amount of payroll tax* payable by an employer in respect of the 2018/19 financial year is the amount determined in accordance with Schedule 1A.

8—Amendment of section 86—Registration

This amendment is consequential.

9—Amendment of Schedule 1—Calculation of payroll tax liability

Schedule 1 of the Act is amended to provide for the changes to the calculation of payroll tax liability from 1 July 2019 (Schedule 1A provides for the calculation of payroll tax liability for the period from 1 July 2018 to 30 June 2019).

10—Insertion of Schedule 1A

New Schedule 1A is inserted:

Schedule 1A—Calculation of payroll tax liability—2018/19 financial year

Schedule 1A provides for the calculation of payroll tax liability for the 2018/19 financial year. The Schedule divides the year into 2 periods, the first period and the second period. This enables the changes to the calculation of payroll tax liability to take effect on 1 January 2019. Accordingly, Part 2 of Schedule 1A applies the current scheme for payroll tax liability for the first period (1 July 2018 to 31 December 2018) and Part 3 of Schedule 1A applies the changes to the calculation of payroll tax liability for the second period (1 January 2019 to 30 June 2019).

11—Amendment of Schedule 2—South Australia specific provisions

Schedule 2 of the Act is amended to provide for the changes to the calculation of payroll tax liability (both for the 2018/19 financial year and thereafter).

Debate adjourned on motion of Hon. I.K. Hunter.

Motions

ABORIGINAL DRUG AND ALCOHOL COUNCIL

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Acknowledges a disturbing report released by the National Wastewater Drug Monitoring Program late last year that revealed Adelaide was the methamphetamine (ice) 'capital' of Australia, with the city found to have the highest levels of use—about 80 doses per 1,000 persons per day. This compares to the national average of 30 doses per 1,000 persons per day;

2. Recognises the invaluable work of the Aboriginal Drug and Alcohol Council (ADAC) in providing culturally and linguistically appropriate alcohol and other drug treatment services for both Indigenous and non-Indigenous clients;

3. Notes that ADAC is unique in Australia as it is the only Indigenous peak body of its kind representing 30 Aboriginal community organisations from across South Australia;

4. Notes the services provided by the ADAC include a residential rehabilitation centre in Port Augusta and diversionary programs in Adelaide run by former AFL footballer Troy Bond, which have helped many Indigenous South Australians rebuild their lives;

5. Notes the Footsteps Road to Recovery program has received 350 referrals in the past two years, with five former clients gaining employment and many more undertaking voluntary work in their communities;

6. Recognises that up to 40 people per day undertake diversionary programs, which run for 48 weeks of the year with up to 9,000 participants each year.

7. Notes the federal parliamentary Joint Committee on Law Enforcement's final report into crystal methamphetamine published in March 2018 recommended that: '…Australian governments continue to advance collaboration with Indigenous communities and Indigenous health experts to provide culturally and linguistically appropriate alcohol and other drug treatment services';

8. Notes that this front-line drug and alcohol rehabilitation organisation faces closure because of a federal government funding cut; and

9. Urges the federal government to reverse its decision to cease $700,000 in annual federal funding to the ADAC.

to which the Hon. D.G.E. Hood moved to amend by leaving out paragraph 1 and inserting the following:

Delete paragraph 1 and insert:

1. Acknowledges the Australian Criminal Intelligence Commission's recent report on the National Wastewater Drug Monitoring Program that revealed Adelaide was found to have high levels of methamphetamine use—about 80 doses per 1,000 persons per day.

Delete paragraph 8

Delete paragraph 9 and insert:

9. Urges the federal government to work with Indigenous communities and service providers to maximise alcohol and other drug treatment services.

(Continued from 26 July 2018.)

The Hon. T.T. NGO (17:13): I rise to support this motion proffered by the Hon. Frank Pangallo. In particular, I call on the federal government to reinstate the $700,000 it has cut from the Aboriginal Drug and Alcohol Council (ADAC). ADAC was established in 1993 in response to the Royal Commission into Aboriginal Deaths in Custody. At that time it was agreed that as the majority of those deaths had a drug and/or alcohol-related component, a community control response was needed. This led to a statewide peak substance misuse organisation, and ADAC was established.

ADAC is unique in Australia. It is the only Indigenous peak body of its kind across any state. ADAC provides responses to a range of state and national committees and strategies, helps communities deal with the problems associated with substance misuse, develops health promotion material, and undertakes research on its own and in collaboration with various universities and key national research organisations.

ADAC has recently launched a national awareness campaign on the dangers of ice, and an ADAC-hosted national conference on Indigenous drug and alcohol issues will also go ahead in Adelaide later this year. Given that the prevalence of ice has become a particular issue for South Australia compared to other states, one would have thought that the federal Liberal government would have seen the value in continuing to support ADAC. ADAC is helping to combat the scourge of ice and does not discriminate in the services it provides, regardless of whether clients are Indigenous or non-Indigenous.

It is my understanding that ADAC was advised by the federal government in late May about their funding being cut by $700,000. This money is what is normally received by ADAC on 1 January each year, and covers the administration cost of running the organisation. This funding will cease from 1 January 2019, less than six months away. The federal government is trying to insist that ADAC should be able to continue many of its services. The government is continuing to provide $1.38 million up until 2020, but it is clear from the numbers that $700,000 represents a significant funding cut.

ADAC chief executive Mr Scott Wilson said that the council would not be able to keep operating the centres once its main funding grant ended. He said:

> We can't operate without funding because then we'll be busted for trading while insolvent. Legally we would probably have to stop taking clients at the end of September so that they finish their 12 weeks by January the first.

On the ground this could potentially mean the loss of some significant programs and services to our community that are currently being run by ADAC. It is my understanding that the opposition health spokesperson in the other place, Mr Chris Picton, wrote to Senator the Hon. Nigel Scullion asking him to rectify this matter. I believe the member for Kaurna has also sought support in writing from our state health minister, the Hon. Stephen Wade. I urge the federal government to reverse this cut in funding, and commend this motion to the council.

The Hon. F. PANGALLO (17:18): I would like to thank my colleagues for their contributions to the motion. I would like to particularly thank them for acknowledging the importance of the motion both in terms of highlighting the issues we are facing as a community dealing with the scourge of

methamphetamine addiction and the importance of the Aboriginal Drug and Alcohol Council, or ADAC, as it is known.

It is vitally important that culturally and linguistically appropriate alcohol and other drug treatment services are provided for Indigenous and non-Indigenous clients. It is clear that the state government needs to wake up and get tough on the ice epidemic raging in South Australia. Only last week, damning data was released that revealed that about 5,000 workers employed in safety-sensitive industries are working each day under the influence of methamphetamines, predominantly ice.

The Business SA data, which does not include workers in other sectors, including hospitality and the white-collar workforce, backs up a report released late last year by the National Wastewater Drug Monitoring Program, revealing that Adelaide was the methamphetamine (ice) capital of Australia. What a shameful claim to fame that is. This new data is damning and a sad and worrying indictment on South Australia's current programs targeting our ice epidemic and further establishes our unenviable reputation of being the ice capital of the country.

The Liberal government needs to wake up. What is it going to take before it gets tough on this ice scourge in South Australia—a workplace death or, worse, a workplace catastrophe caused by a worker under the influence of methamphetamines? SA-Best has gone on record as supporting the state government's push for new laws to mandatorily detain drug-addicted children and young people for up to 12 months. However, these laws need to be extended to include a suitable mandatory program in a well-resourced rehabilitation facility for adult high-end users and repeat offenders. Mandatory rehabilitation is a key part of a suite of measures to attack this issue head on, regardless of a person's age.

South Australia's shameful ice epidemic not only impacts directly on individuals but also has flow-on effects on our health and corrections systems, family violence, community safety and crime. In the face of this current data, ADAC, which provides such pivotal assistance in the drug and alcohol addiction space, is facing closure. ADAC does not have funding to continue into next year. ADAC has written to the federal Minister for Indigenous Affairs, seeking a meeting. They have yet to receive a response. It cannot provide secure employment to its staff, two of whom are people with disabilities.

While it is true that there have been no cuts to funding for front-line alcohol and other drug treatment services provided by ADAC, without this peak body being able to continue to oversee and manage these vital front-line services, they will cease, too. It is a case of not wanting to fund the engine room but expecting the wheels to keep turning. That means the future of services like the Stepping Stones Drug and Alcohol Day Centres at Ceduna and Port Augusta, which provide a range of treatment and non-residential diversionary programs for Indigenous people experiencing problems caused by substance abuse, face shutting down for good.

The Stepping Stones centre at Ceduna also provides breakfast, lunch, shower and laundry facilities; counselling services; peer support groups; arts and crafts; music therapy; and life skills. It keeps people away from alcohol and gambling. The amazing team at Ceduna's Stepping Stones day centre includes a clinical nurse, a substance misuse worker, an outreach worker and support staff, with visiting specialist services. When the day centre was a government-run facility, only 900 people went through the centre each year. Under ADAC administration, the Stepping Stones day centre at Ceduna now assists over 20,000 people who come to the centre each year. That is a remarkable achievement.

We cannot let the Ceduna day centre and many other programs administered by ADAC be at risk of closing because the peak body has had its funding cut. Finally, I note the amendments moved by the Hon. Dennis Hood when he recently spoke to the motion. I can indicate that SA-Best accepts the proposed change to paragraph 1 of the motion and also the proposed insertion of the paragraph that reads:

> Urges the Federal Government to work with Indigenous communities and service providers to maximise alcohol and other drug treatment services.

With the effect that it would become paragraph 10 of the motion. However, we cannot accept the deletion of paragraphs 8 and 9 for the reasons I have already outlined.

The Hon. D.G.E. Hood's amendment to paragraph 1 carried; the Hon. D.G.E. Hood's amendment to paragraph 8 negatived; the Hon. D.G.E. Hood's amendment to paragraph 9 negatived; motion as amended carried.

Adjournment Debate

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (17:29): I move:

That the council at its rising do adjourn until Tuesday 4 September 2018.

For the benefit of members, we have some messages still to arrive from the House of Assembly, so we will fill in the time with the traditional adjournment motion, brief though it might be. In acknowledging the end of this particular session, can I thank you, Mr President, for your presidency, albeit for a very short session from May through to the start of August.

I thank the Leader of the Opposition and the two Whips for their sterling work. I think there were some early teething issues, but hopefully we can settle down to our rhythm in terms of collaborative working relationships in the Legislative Council. I thank the crossbenchers, those who have been here for us some time and those who are enjoying a new experience. We thank them for their cooperation.

An honourable member: The acting deputy half-whip.

The Hon. R.I. LUCAS: And the acting deputy half-whip, whoever he is. I think there have been some useful new developments in terms of the operations of the council. I think the weekly planning meeting that all parties attend on a Monday afternoon before we sit is a useful development. I think we can refine the operation of that and hopefully that will help a better and more collaborative working relationship in the Legislative Council.

There has been some flexibility in terms of sitting times and the standard sitting time of Thursday morning. We only had the one Tuesday morning sitting time. I think we managed to avoid evening sessions, which I know some of our family friendly MPs are very supportive of.

As we get to the absolute end of the session with the backlog of work, it might inevitably mean the occasional Wednesday evening sitting, but the government's position, I think, supported by all parties is, if we can avoid those by sitting on a Thursday morning and occasionally on a Tuesday morning, that makes more sense and we would continue to progress with that.

I think the flexibility in relation to private members' business being adjourned to after government business on Thursday has worked well in terms of the last two or three sitting weeks. From the government's viewpoint, we would see that continuing.

I have had a brief conversation a week or so ago with the Leader of the Opposition that I would hope during the break we might be able to convene a meeting of the standing orders committee. I will not go over what I have said previously in relation to that, but I am sure there are potentially a small number of issues upon which everyone could agree that we might be able to proceed with by way of amending the standing orders. Perhaps we could do the more substantive and difficult issues over a period of time.

Mr President, can I thank on behalf of government members the new clerking team, if that is the appropriate phraseology. It is a whole new experience when you move up and you are the boss and you have to make the final decisions, as opposed to referring the decisions to somebody else who is the boss and makes the final decisions. So I thank the new clerking team and the officers at the table. We thank you very much for your support.

Without going through individually all of the staff and Parliament House as sometimes we do, we acknowledge all the staff in Parliament House from the attendants right through to all of the other staff in Parliament House who assist us in terms of the process. I will give one personal grieve. I am still mightily aggrieved that even under the new government the legal tender of the Commonwealth of Australia is still unable to be received in the parliamentary bar as a result of a decision of the former government.

The Hon. R.P. WORTLEY: They won't even take American Express.

The Hon. R.I. LUCAS: They will not even take cash, Mr President, which I think is just outrageous. One can understand it in big venues like the Adelaide Oval where you need to do thousands of people in 10 minutes, but the numbers of members of parliament, when we do not accept legal tender in the Parliament House bar—I am sure this is an issue that in due course, whilst not a high priority, may well be able to be pursued at another stage. With that, on behalf of government members, we thank all members in this chamber for their cooperation and we look forward to reconvening on 4 September.

The Hon. K.J. MAHER (Leader of the Opposition) (17:35): I thank the Leader of the Government in this place for his words, and some of the new innovations that have been shown. I think they have a way to go but may work well, and I join with him in thanking the Parliament House staff, Hansard staff, catering staff, table and chamber staff, honourable members and of course you, Mr President.

If my memory serves me correctly we have previously moved motions to suspend standing orders to allow messages to be received after we sit. If that is something we want to entertain now I think the Clerks are capable of doing that. In that way we can adjourn immediately rather than wait around for whatever divisions and shenanigans the House of Assembly may be engaging in. I do not think we would oppose leave being sought to receive the messages so that we can finish now. I think we have done that before.

The Hon. F. PANGALLO (17:36): Firstly, thank you to the Leader of the Government. It has been a learning curve for me and also my honourable colleague Connie Bonaros. I must say that I have been impressed that the government has stayed true to its word in delivering answers to questions without notice almost on time or under the month that they promised. I am not so sure about the Dorothy Dixers that the Treasurer promised we would not hear—they are still there.

An honourable member: It's valuable information.

The Hon. F. PANGALLO: Well, exactly. It has been a learning opportunity for us. Thank you again to the Leader of the Opposition and other members. I would like to also thank both sides of the house who have also kept us briefed on bills that are currently before us. We have had cordial and productive discussions, contrary to what has been in the press. I have always found their contributions to be quite productive. I hope that we have also been quite receptive in terms of welcoming them into our office and discussing their proposals. To you, Mr President, again, thank you for indulging a greenhorn like me.

Motion carried.

Parliamentary Committees

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The House of Assembly appointed Mr Cregan to the committee in place of Mr McBride.

Bills

EVIDENCE (JOURNALISTS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

STATUTES AMENDMENT (DRUG OFFENCES) BILL

Introduction and First Reading

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

At 17:40 the council adjourned until Tuesday 4 September 2018 at 14:15.

Answers to Questions

TOUR DOWN UNDER

In reply to **the Hon. C.M. SCRIVEN** (23 July 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment):

With regard to the 2019 Santos Tour Down Under (TDU), discussions with domestic television networks are ongoing, and at present no decision has been made as to which will have the rights to broadcast the race.

TOUR DOWN UNDER

In reply to **the Hon. C.M. SCRIVEN** (23 July 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment):

As has been the case since the men's race joined the UCI WorldTour in 2008, there will be six stages in the 2019 TDU, which will be proceeded by the People's Choice Classic as a criterium race on the first Sunday of the event period. The routes were announced on Wednesday 1 August and are as follows:

- Sunday 13 January 2019: People's Choice Classic: East End Circuit (51 km)
- Tuesday 15 January 2019: Stage 1: North Adelaide to Port Adelaide (132.4 km)
- Wednesday 16 January 2019: Stage 2: Norwood to Angaston (149 km)
- Thursday 17 January 2019: Stage 3: Lobethal to Uraidla (146.2 km)
- Friday 18 January 2019: Stage 4: Unley to Campbelltown (129.2 km)
- Saturday 19 January 2019: Stage 5: Glenelg to Strathalbyn (149.5 km)
- Sunday 20 January 2019: Be Safe Be Seen MAC Stage 6: McLaren Vale to Willunga Hill (151.5 km)