LEGISLATIVE COUNCIL

Wednesday, 1 July 2020

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:16 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 Committees

BUDGET AND FINANCE COMMITTEE

The Hon. K.J. MAHER (Leader of the Opposition) (14:17): I bring up the report on the operations of the committee 2018-19, together with the minutes of evidence.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:18): I bring up the report of the committee on its information guide.

Report received and ordered to be published.

The Hon. N.J. CENTOFANTI: I bring up the ninth report of the committee 2020.

Report received.

Personal Explanation

PRESIDENT'S STATEMENT

The PRESIDENT (14:19): Honourable members, before calling on questions without notice, I would like to advise the chamber that as it may well be the will of the council for the information relating to country members' accommodation allowance claims to be more available and transparent, I have instructed the Clerk to prepare the claim forms for the current and previous financial years for tabling should the council resolve.

The staff of the council will do their best endeavours to source and prepare the material, but as the volume of documents may be considerable, I advise that it would be my intention to table and publish them as soon as practicable. I remind honourable members that I have only been the presiding member for five short months. I would like to note that the tabling of this information is unprecedented in the chamber as none of my predecessors of either political persuasion have previously made publicly available these documents.

Question Time

REGISTER OF MEMBERS' INTERESTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): My question is to the Minister for Trade and Investment regarding interests and allowances. Minister, since becoming a member of parliament, have you ever owned property in Victor Harbor? If so, have you declared this property on the Register of Members' Interests, and, if you have, when did you do it?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:20): I thank the honourable member for his question. Given that this topic has been ventilated quite broadly on the ABC website, it is interesting they are using the ABC to do their research. In answer to the question, yes, I have bought an investment property I think in 2011, from my recollection, in Victor Harbor. Members will recall that in 2018 I had through an administrative error omitted the property that I own and live in at Mitcham.

I have even had the Hon. Mark Parnell—I donated some leftover turf to him from a lawn project because there are no secrets where I live. The property I had in Victor Harbor was a rental property. I declared the rental income on that property. The Hon. Mr Wortley—I even offered to swap with his holiday home on Kangaroo Island, so it was no secret that I owned that property. Yes, it is unfortunate that through that administrative error it was omitted accidentally. I make no secret of it.

I know the honourable member's next supplementary question will be: have I breached the Ministerial Code of Conduct, because I heard his good friend the Hon. Tom Koutsantonis ask the Premier that before I came in today. I have not breached the Ministerial Code of Conduct because I did not own that property in Victor Harbor at the time of becoming a minister. I only owned one property, which is the property I reside in in Mitcham.

REGISTER OF MEMBERS' INTERESTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary question arising from the answer: minister, when did you become aware of this second oversight of a failure to declare a property you owned?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:22): As a matter of fact, I became aware yesterday when an ABC journalist contacted me. But it is amusing or bemusing that this record, this anomaly, has been there since 2009 and the hardworking members opposite have not seen it, no other hardworking member of the media or the—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. Hunter: You didn't put it on the form; how could we miss it?

The PRESIDENT: Order! The Hon. Mr Hunter!

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Mr President, it just shows how shallow the members opposite are. If you do read it, you can tell that there is a property where there is some rental income because the honourable Leader of the Opposition mentioned it, but no property listed that actually related to that rental income. The anomaly has been there for a period of years that I owned the property. It was through the same administrative error that it was omitted. I did not own it at the time of being sworn in as a minister, so certainly I haven't breached the Ministerial Code of Conduct.

REGISTER OF MEMBERS' INTERESTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): Supplementary arising from the answer: when did you rectify your register of members' interest to reflect the second property that you failed to declare?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:23): I thank the honourable member for his supplementary. I sought advice from the Clerk and as soon as I became aware, we provided a letter to the Clerk to correct it. Given that I have sold the property and it's not an interest I have anymore, it's a historical correction. Certainly, when I was made aware of my permanent residential address in Mitcham a couple of years ago, we rectified that as soon as we possibly could.

Again, both of them administrative errors, both I'm disappointed we have made them, but certainly the rental property—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: —I haven't owned for nearly 4½ years now, so while I have corrected the historical record, I don't believe I need to declare it in my register of interests because I simply don't own it anymore.

REGISTER OF MEMBERS' INTERESTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): Supplementary arising from the original answer: minister, when did you first inform your Premier of your oversight for the second failure to declare property that you own?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:24): I thank the honourable member for his question. As far as I know, the Premier's office was aware yesterday.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): My question is to the Hon. John Dawkins regarding allowances. Will you consent to the full and complete release of all your claims forms for the country members' accommodation allowance?

The PRESIDENT: The Hon. Mr Dawkins can choose to answer that if he wishes. He is not a minister of the Crown.

The Hon. J.S.L. DAWKINS (14:25): I thank the Leader of the Opposition for the question. I have had my principal place of residence at Hayborough since late 2014, since the finalisation of my first marriage. It is a property that I have owned since 1999 but has only become my principal place of residence since then. I am more than happy for the country members' allowance since that time. Despite the fact that some people, including, I think, the Leader of the Opposition, have described me as always being a country member, my residence was always in the Gawler area, which is not 75 kilometres from Adelaide.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): My question is to the Hon. Clare Scriven. Will the honourable member consent to the full and complete release of all her claim forms for the country member accommodation allowance?

The Hon. C.M. SCRIVEN (14:26): Yes, that's fine.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. T.A. FRANKS (14:26): Supplementary: does the member consent to the full release of her personal details that might identify her to make her vulnerable to stalkers, to potential predatory behaviour with this data that will be released?

Members interjecting:

The Hon. T.A. FRANKS: No. Because that is what we are talking about here. That is the door you opened. So she is happy for every single bit of her personal information to be released.

The PRESIDENT: The Hon. Ms Scriven, it's really not a supplementary question arising out of your answer. You can choose to answer it if you wish, but if you don't wish to, that's fine. The Hon. Ms Centofanti.

WINE INDUSTRY

The Hon. N.J. CENTOFANTI (14:27): My question is to the Minister for Trade and Investment. Can the minister please update the council about how South Australia's wine industry is engaging with international markets during COVID-19 travel restrictions?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:27): I thank the honourable member for her keen interest in our wine sector. Of course, she comes from the Riverland, one of our largest wine producing regions. We know that our wine credentials are among the very best in the world. In fact, we have a particularly proud history, with 18 distinct wine regions, producing 80 per cent of the nation's premium wine and 50 per cent of all bottled wine.

Wine is a significant export for this state and, pre COVID-19, second only to international education in value. Ensuring our world-class wine continues to be exported into existing and new markets, particularly as the industry has been impacted by COVID-19, is a key focus for the Marshall Liberal government. It is for this reason that the Department for Trade and Investment has been digitally engaging with international wine markets.

In late May and early June, we held two dedicated wine webinars: one to Hong Kong and one to China. These webinars were held with local importers, retailers, distributors and market professionals to discuss consumer interests and buying behaviour post COVID-19, as well as observations on the supply chain and new opportunities.

Almost two weeks ago, I was proud to have the opportunity to open the Barossa virtual masterclass with Taiwan. Organised by the Barossa Grape and Wine Association, in partnership with the Department for Trade and Investment and Austrade, the masterclass was a perfect example of our government engaging digitally with international markets.

Taiwan is in the top 15 countries for South Australian wine exports. Our industry sends almost 400,000 litres, or about $10 million worth of wine, into the Taiwanese market annually. There are significant opportunities to increase exports into Taiwan, and events such as the masterclass offer a unique way to strengthen those relationships.

Twenty-five Taiwanese media representatives, influencers and wine professionals took part in the event in Taipei and were guided through a tasting of some nine iconic South Australian wines by the equally iconic winemakers. Firstly, we had Mr Peter Gago of Penfolds. I took the opportunity to send our best wishes from the government benches to his wife, former minister here and good egg in the Labor Party, Gail Gago, who hasn't enjoyed the best of health in recent times. I said that from this side of the chamber we send her our very best wishes. Also, Mr Ian Hongell from Torbreck Vintners and Mr Ben Glaetzer of Glaetzer Wines hosted the event together, showcasing three of their best wines each.

It was a rare opportunity to have all three winemakers in South Australia at the same time and it was the perfect opportunity to showcase the very best of South Australian wine into an exciting growth market. The demand for South Australian wine has never been stronger and I am pleased that our department continues to find new and innovative ways to connect with existing customers and establish new relationships. I would like to thank the winemakers for taking the time to be part of such a fantastic event, as well as Mr James March from the Barossa Grape and Wine Association for facilitating it.

CORONAVIRUS VACCINE

The Hon. T.A. FRANKS (14:30): I seek leave to make a brief explanation before addressing a question to the Minister for Health and Wellbeing about a coronavirus vaccine.

Leave granted.

The Hon. T.A. FRANKS: The federal government has announced some $66 million towards finding a coronavirus COVID-19 vaccine. I know that the Hon. Frank Pangallo locally has put himself up to be the very first test guinea pig. My question to the Minister for Health and Wellbeing is: what steps are we taking to ensure that whatever vaccine is discovered and works is made publicly accessible and available to the most South Australians, and Australians, possible?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): I thank the honourable member for her question. I would make three points. I think it's really important that we don't predicate our strategies on the basis that a vaccine will become available or become available anytime soon. That's why we are taking extraordinary measures in Australia to suppress the transmission of the disease.

The other point I make is that the same values that have driven the Australian response to suppressing the virus will be the same values we take to the issue of distribution of vaccines. Australia has not only a universal healthcare system, but in our response to the pandemic we have demonstrated Australian values of care for those who are most vulnerable. I particularly highlight the work of my colleague the Hon. Michelle Lensink in relation to providing services to homeless people. For example, Australians who are refugees and do not have Medicare will still get free coronavirus testing.

In terms of the rollout of all our strategies, I believe that Australian communities, of whatever political persuasion, have demonstrated Australian values by standing up for those most vulnerable. Also, to be frank, in the context of a public health crisis, it is fundamental self-interest to make sure

the vulnerable are looked after because the person you pass in the street might be the person who transmits COVID to you, so it is in your personal interest that everybody is supported and protected.

The honourable member particularly highlights the challenge in relation to vaccines. Again, Australian values are reflected in the National Immunisation Program, which is particularly targeting the vulnerable. I am sure the same values will be reflected in the vaccination program. We certainly need to make sure that as a vaccine becomes available it is only made available when it's safe to do so.

One of the challenges going forward is that there will be some who will want to take risks on vaccines. I would be one of those strongly arguing that we can't afford to take risks with vaccines. Not only would it threaten those who might be receiving a vaccine that is not safe to use, it risks undermining the ongoing support of the community for vaccination programs. We need to make sure that it is rolled out in a timely way and that it is rolled out in an equitable way.

Now, that doesn't mean that a vaccine for coronavirus can only be available through the national program. For example, with influenza, we make sure we look after vulnerable South Australians and Australians through the National Immunisation Program and through some limited state-funded programs, but also people who are able to afford to buy the vaccine, are actually self-funded.

I certainly expect that as a vaccine is identified, as it is made available in Australia, Australian governments will do what they have done in the early stages of this pandemic: they will continue to operate in accordance with Liberal values—sorry, Australian values which are also Liberal values! In fact, I would argue that the Liberal Party embodies Australian values.

Members interjecting:

The Hon. S.G. WADE: Now that you taunt me, I'm reminded that this is the party—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —that has served the longest term of government in the federal sphere, demonstrating that not only I believe it reflects Australian values, the Australian people believe it reflects Australian values. Please do not hector me; I don't want to keep preaching about how much I love the Liberal Party.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: Going back to the honourable member's question, I think I am completely resonating with the honourable member's aspirations and that is that any vaccination program is fair and promotes the public health of all Australians.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (14:36): Mr President, my question is to you, regarding allowances. Like your colleagues in this chamber, will you also consent to the full and complete release of all of your claim forms for the country members' accommodation allowance?

The PRESIDENT (14:36): The honourable member, did you listen to the statement I made at the start of the parliamentary sitting? Of course I will.

GOODS AND SERVICES TAX

The Hon. D.G.E. HOOD (14:36): My question is to the Treasurer. Has the government expressed any view on interstate proposals to increase the rate of the GST or broaden its base?

The Hon. R.I. LUCAS (Treasurer) (14:36): Too right, we have. Prior to the last election, the Premier and myself made a firm promise to the people of South Australia that should we be elected, we would not support an increase in the rate of the GST, and we would not support a broadening of the base of the GST.

I have been asked that question on a number of occasions both in this chamber I think, but also publicly since the election, and I have indicated that that was a promise that the Premier and the Liberal Party made in opposition, and we would keep that promise in government as we have kept virtually all of the other promises we have made to the people of South Australia. Whilst there continue to be suggestions—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —that the rate of the GST should be increased—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —or that the base should be broadened—

The Hon. E.S. Bourke: You don't have a privatisation agenda.

The PRESIDENT: The Hon. Ms Bourke!

The Hon. I.K. Hunter: Women's and Children's Hospital.

The PRESIDENT: The Hon. Mr Hunter!

The Hon. R.I. LUCAS: —we have continued to indicate that we are not going to go down that particular path. The Marshall Liberal government was elected on a platform of reducing—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —state taxes and we have abolished the payroll tax for all small businesses in South Australia. There has been a $90 million cut in the ESL bill from the exorbitant rates charged by the former government—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. R.I. LUCAS: There's a $189 million cut in land tax—

The Hon. K.J. Maher: Do you know what your nickname is in the Premier's office?

The PRESIDENT: The honourable Leader of the Opposition!

The Hon. R.I. LUCAS: —over the next three years it's been instituted. We've continued the reduction in stamp duty that was commenced by the former Labor government in relation to commercial property transactions. So in all those areas we have continued to demonstrate a commitment to lowering the cost of doing business in the state and lowering costs for households.

The cherry on top of the cake is today we celebrate the first day of massive cuts in household water bills: $200 for the average household, and for those households who at some stage in the past or present have been afflicted with four teenage children wanting to spend three hours each in a shower using copious quantities of water, the high water users would save around $400 to $500 a year in terms of household water bills.

An honourable member: How much was that again?

The Hon. R.I. LUCAS: It is $400 to $500 a year for high water consumption households. Finally, for those businesses in South Australia that are struggling as a result of the COVID-19 pandemic, on average, savings of $1,350 but some businesses in South Australia (or one or two) it is up to a maximum saving of almost a million dollars in water bills to that particular business. There are some with savings of hundreds of thousands and some of tens of thousands of dollars.

I think the Premier might have been at Bickford's yesterday and I think I saw quoted that their projected saving was of the order of $30,000 or $50,000 a year. These are massive savings for

businesses which will allow them to employ more South Australians at a time when the COVID-19 pandemic is causing significant unemployment and under-employment.

The nail in the cross of the Labor Party in relation to the cost of doing business was their outrageous behaviour in relation to ratcheting up water prices in South Australia by artificially inflating the value of the regulated asset base. We have a former water minister in this chamber with a big smile on his face because he understood what was being done by the former Labor government. The current shadow treasurer's grubby fingerprints are all over that particular decision, as evidence was given to the Budget and Finance Committee. The evidence was tabled.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. R.I. LUCAS: The grubby fingerprints of the member for Lee—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. R.I. LUCAS: —are all over that particular decision.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. R.I. LUCAS: He and the Labor Party will be reminded of that grubby decision—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. R.I. LUCAS: —all the way from here through to March 2022.

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. Bourke interjecting:

The PRESIDENT: Order, the Hon. Ms Bourke! The Hon. Mr Pangallo.

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (14:41): My question is to the Minister for Health and Wellbeing. In regard to the tender awarded to Sturdie for the CCTV camera trial in two state-run aged-care facilities, can the minister tell us if this company is able to deliver a 24/7 live monitoring system comparable to or better than that offered by the world's best practice leaders in this field, Care Protect, who pulled out of the initial contract last year, citing conflicts of interest within SA Health, and which stores all footage off site in a secure and protected web-based setting and is monitored 24/7 by an independent team of highly experienced and qualified clinical experts; and what is the cost for this pilot in the two facilities?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42): I thank the honourable member for his question. It won't surprise the honourable member that I am going to reiterate what I said yesterday: that is, that this particular pilot was subject to an open tender process. It is not appropriate to reprosecute that procurement process by reference to an alternative commercial provider who did not put a proposal in to the tender.

If the honourable member is saying that he is not willing to support a pilot where he believes personally that there is a better provider available, I would say to him that he has to ask himself what is he promoting. Is he saying that he does not support the only and the first Australian trial of CCTV in aged-care facilities? Is he not supporting an opportunity to test the value and acceptability of

audiovisual recording amongst residents and their families, to look at the technology which can cost-effectively reduce adverse events?

The honourable member might think that a better pilot was possible, but the better pilot was not possible if the party that he is advocating for did not put in a bid. In that context, I would urge the honourable member to support this pilot. Of course, it may raise further issues. It will be another step along the road, but I think it's an important step along the road and for those of us—and I put the honourable member in this category—who are determined to deal with elder abuse and improve the quality of care in aged-care facilities, I would urge all of those people to get behind this pilot. Let's make progress.

The PRESIDENT: The Hon. Mr Pangallo, you have a supplementary?

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (14:44): I think it's quite clear that I support CCTV cameras—

The Hon. S.G. Wade: I said that.

The Hon. F. PANGALLO: Yes, but what you haven't answered is: when will this pilot start, and who will monitor the situation and will it be done to an appropriate standard, because the company that has been appointed does not have the experience in monitoring aged-care or healthcare facilities apart from security monitoring?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): I'm not going to undermine the procurement process with an independent evaluation by engaging in the honourable member's line of questioning. The fact of the matter is, there was an open tender process, they put forward a proposal which was accepted as the best proposal put forward—it was selected by the evaluation panel as the best project that was put forward.

I think the honourable member also asked me about when the pilot will start. Work on the pilot has already started. The first site walk-throughs will commence this week. In terms of the precise go-live date, that will depend, as I indicated yesterday, on the progress of the COVID-19 pandemic. It has already slowed our progress, and as we saw in the events in the last two weeks in Victoria, this pandemic isn't over yet. It is hard to predict what the impact might be.

The PRESIDENT: The Hon. Mr Pangallo, supplementary question.

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (14:46): Minister, surely in the tender process the company would have indicated how they intended to carry out the monitoring of residents apart from the use of cameras.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I'm sure they did.

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (14:46): Well, can you explain how—

The PRESIDENT: The Hon. Mr Pangallo, you have a supplementary question?

The Hon. F. PANGALLO: Thank you, Mr President, sorry. Well, can you explain what they said they would do?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): What I am advised is that the pilot involves installation of audiovisual surveillance technology in both common areas and bedrooms. The successful tenderer will use intelligent human behaviour video analytics to trigger immediate text alerts to an independent 24/7 security monitoring centre, which will then immediately notify the facility.

The PRESIDENT: The Hon. Mr Pangallo, a supplementary question.

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (14:47): Can the minister confirm the type of cameras that Sturdie intend to use? Are they Hikvision cameras?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): Just to put to bed the furphy that the honourable member tried to put out yesterday, they are not using Hikvision cameras on this project. They are using Vivotek cameras.

REGISTER OF MEMBERS' INTERESTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:47): My question is to you, Mr President, regarding interests and allowances. Can you assure the chamber that your register of members' interest is correct and up to date? In particular, have you declared Unwind Holidays as a source of income?

The PRESIDENT: Sorry, have I declared—

The Hon. K.J. MAHER: Declared Unwind Holidays as a source of income.

The PRESIDENT (14:48): I refer the honourable member to the statement I made yesterday. I've got nothing further to add.

CORONAVIRUS

The Hon. J.S.L. DAWKINS (14:48): My question is to the Minister for Health and Wellbeing. Will the minister provide a further update on the government's response to the COVID-19 pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): I thank the honourable member for his question. Yesterday, I welcomed the opportunity to update the council on the support that South Australia has provided to Victoria to assist in getting their outbreak of COVID-19 under control. In what is the nature of the pandemic, in the 24 hours since, there have been a number of developments in Australia in relation to the pandemic.

Queensland has announced that it will require all Victorians to continue in quarantine, even after the Queensland borders are open to other jurisdictions. New South Wales, which up to this point has had no border controls in relation to Victorians, has announced that they will ban people from Victorian hotspots from visiting the state on pain of an $11,000 fine or six months gaol. This rule also applies to New South Wales residents who visit a Victorian hotspot and return.

Also in the last 24 hours, South Australia has received a request from the Victorian government for more support. Again, South Australia has readily agreed. I am proud of the fact that within 24 hours of that request we have already seen volunteers not only respond to the call but oversubscribe the call. We had more volunteers than we needed to fill the call from Victoria.

This morning it was my privilege, on behalf of the government and the people of South Australia, to farewell a group of South Australian reinforcements for the Victorian COVID-19 response. That was a group of 29 nurses and SAS paramedics, who will be assisting with the testing blitz that is underway in Victoria. This group will be backed up by further volunteers. The expectation is that they will be sent on a rotational basis, with a minimum of one week in Victoria followed by a quarantine period in South Australia of 14 days.

Victoria has also announced that it will not be taking anymore international flights at this time, and South Australia had already declared our willingness to take flights to free up Victorian resources for the hotspot response. We are already receiving flights scheduled to fly to Adelaide. The first regular Malaysia Airlines flight starts from this Saturday, with what I understand will be 90 passengers expected, and there is a regular flight from Singapore that has resumed. Additional scheduled flights that may need to be redirected from Victoria are likely to involve thousands of passengers, and at this stage the commonwealth is working through with the airlines the destination of flights.

For our part, South Australia will continue to monitor the situation in Victoria. The outbreak there requires a double response: first and most importantly, the protection of South Australians from any risk associated with their outbreak. That is why the Premier announced yesterday that we will not be lifting our border restrictions to Victoria on 20 July as previously planned. Secondly, a response of assistance working with Victorians to overcome the challenge and get COVID-19 under control is not just in the interests of our state, it is in the interests of our nation.

Again, I would like to thank and congratulate our front-line staff, who have already responded so generously to this call for assistance from Victoria, and assure South Australians that the government is working to keep them safe as the pandemic progresses.

STANDING ORDERS COMMITTEE

The Hon. M.C. PARNELL (14:52): My question is to you, Mr President, in your capacity as Chair of the Standing Orders Committee. Apologies for not giving advance notice, which I understand is the protocol in relation to questions of the President, a protocol that may have fallen by the wayside this week. My question is: given that the standing orders have not been revised for 21 years, and given the current public interest in parliamentary practices and procedures, will you be able to convene a meeting of the Standing Orders Committee in the near future?

The PRESIDENT (14:52): I thank the honourable member for his question. I think it is a sterling idea and I will commit to work with the Clerk to ensure that it happens.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (14:53): Sir, my question is to you regarding allowances. What is your address for the purposes of communication from the Electoral Commission; that is, where does the Electoral Commission of South Australia send correspondence to you?

The PRESIDENT (14:53): I refer the honourable member to the statement I made yesterday. I have nothing further to add.

BUSHFIRE RECOVERY SUPPORT

The Hon. J.S. LEE (14:53): My question is to the Minister for Human Services regarding bushfire recovery support. Can the minister please provide an update to the council about how the Marshall Liberal government is supporting South Australians affected by the recent bushfires temporary accommodation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53): I thank the honourable member for her question. We have indeed as a government provided a great deal of support to people in bushfire-affected areas through a range of different programs and partnerships throughout these challenging times for people, particularly those who have been directly impacted by the fires.

I think I have spoken in this place previously in relation to the role of the Housing Authority in terms of the immediate relief centres, where they have provided a safe place for people who are unable to return to their place of residence, including providing them with immediate grants and a range of other services.

Those centres have morphed into recovery centres. We have one located at Lobethal in the Adelaide Hills for people affected by the Cudlee Creek fires, and at Parndana on Kangaroo Island for those affected by the Kangaroo Island fires, which were obviously quite extensive and particularly impacted people on the western side of the island.

We are pleased that we have had a range of services available to people in those centres, and have tried to make things as easy as possible, including providing a single form for people to use for applications, given that there are multiple things that people might apply for through various personal grants. We have also had Primary Industries and people to assist small business, and local government has been part of that as well, particularly moving into this next phase where people are looking at rebuilding.

Some people have not been able to access suitable alternative accommodation, or they have done so on a short-term basis. Clearly, the logistics on Kangaroo Island are much more challenging for people; you can't just slip across the strait to stay the night unless people are relocating in a semipermanent way. The Adelaide Hills has also had its own logistics issues, but we have been pleased that the Minderoo Foundation, in particular, has supported people in those communities, not just for South Australia but also for New South Wales.

A manufacturer at Monarto in the electorate of the member for Hammond, Australian Portable Camps, has worked in partnership with Minderoo and the South Australian government to

re-kit 48 shipping containers to enable people to have what is a much more suitable arrangement than what some have been using; in some instances on Kangaroo Island they have been old sheds, and some people have been in caravans and the like. The shipping containers are a much more suitable solution able to be plumbed into existing infrastructure, which provides people with a hot shower as well as better insulation and a much warmer place to sleep.

Eight of those have been provided to the Adelaide Hills, and I was pleased that the new 'marvel from Kavel' and the member for Hammond were able to attend with us on Friday to witness what one of these pods is doing to assist a family with three young children. I think it is probably self-evident that, for that family, having the pod to stay in rather than just their caravan has been very welcome.

I understand 40 have been delivered to Kangaroo Island. We are providing these pods to affected South Australians for the short to medium term while they work through the rebuilding of their more permanent homes. This is just one of the many ways South Australians are being assisted to come through this difficult fire season, and we trust we will come through it stronger than before.

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (14:58): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding CCTV cameras.

Leave granted.

The Hon. F. PANGALLO: In a letter to the minister last year, Care Protect founder and CEO, Philip Scott, outlined his concerns to the minister about why he chose to withdraw his company from the pilot program. He warned:

> We both know that some officers at SA [Health] are materially conflicted and I would repeat again, it was that reality and their ever-changing specification to create a scenario that we couldn't accept, which resulted in a withdrawal.

He goes on:

> Our due diligence evidenced commercial interests for Bret Morris and Chad Koury that completely fly in the face of being non conflicted. For them to be determining the specification and procurement process is by any standards, inappropriate. However, that is for you to resolve. In closing, I can accept the project won't involve us but I won't accept a tissue of lies about our business to attempt to cover up what is an [SA Health] probity issue.

My question to the minister is: in light of this letter and questions I have asked you previously in this place on the same topic, are you still confident SA Health is not conflicted as warned by Mr Scott?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): If the honourable member is asking me about whether SA Health is conflicted in relation to the current process, I can assure you that this procurement process was overseen by an independent probity adviser and I understand that independent probity adviser has raised no issues in terms of conflicts of interest.

The PRESIDENT: The Hon. Mr Pangallo with a supplementary.

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (15:00): Will the minister make that advice available to the Legislative Council?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): My understanding is that no issues have been raised in relation to conflict of interest. If the fact of the matter is that we haven't received advice in terms of conflict of interest, I wouldn't be able to provide it because it wouldn't exist. I will certainly confirm my understanding that the independent probity adviser has found no concerns in relation to conflict of interests in relation to this procurement process.

The PRESIDENT: The Hon. Mr Pangallo with a supplementary.

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (15:01): Can the minister tell us who that independent adviser was?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): I'm happy to take that question on notice.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (15:01): Sir, my question is to you regarding interests and allowances: what is the address used for official correspondence with this parliament? Is it your Norwood address?

The PRESIDENT (15:01): I refer the honourable member to the statement I made yesterday and I have nothing further to add.

CONSTRUCTION INDUSTRY EMPLOYMENT

The Hon. D.G.E. HOOD (15:01): My question is to the Treasurer. Does the Treasurer have any recent information on employment in the construction industry in South Australia?

The Hon. R.I. LUCAS (Treasurer) (15:01): The construction industry has certainly loudly and publicly in recent weeks and months advocated for important initiatives to be taken in the construction industry because of the concerns they had about massive impacts on employment within their industry sector.

Bearing in mind that unlike a number of other sectors such as tourism and hospitality, there was no government edict to close down the construction industry, clearly there were significant impacts on housing construction indirectly through a range of other decisions governments took, particularly those that impacted the level of unemployment in the state and in the nation. These would clearly have impacts on certainly the residential housing market as well.

I am pleased to be able to report on recent ABS figures, which the Master Builders Association—fearless advocates on behalf of their industry as they are—have circulated to anyone who is interested. These indicate, from their viewpoint, certainly some significantly improving figures in terms of the construction industry in South Australia coming out of the trough of COVID-19. These construction employment estimates by state and territory are the estimates for up and to 13 June 2020, so they certainly—

The PRESIDENT: Treasurer, can you just hang on for a second. Order! The Hon. Ms Franks, the Hon. Mr Parnell and the Hon. Ms Pnevmatikos, I am struggling to hear the Treasurer, so if you are going to have a conversation can you just keep it down. Treasurer.

The Hon. R.I. LUCAS: These figures are as recent as 13 June of this year, and what they indicate is there has been a turnaround in recent weeks in terms of construction industry employment. For example, the change since the post-COVID trough—that is, the lowest level of construction industry employment in South Australia—has been an increase of 677 employees within the construction industry in South Australia, or an increase of 1.0 per cent. The national figure is 0.3 per cent, so the growth in construction industry employment from the post-COVID trough is three times stronger in South Australia than the national figure.

These figures also demonstrate the extent of the decline in construction industry employment from pre-COVID to the worst figures during the COVID pandemic. What they show is a loss of 2,849 jobs in the construction industry in South Australia or a decline of 4.0 per cent. Again, as depressing and distressing as that decline is, the national decline was much stronger at 5.3 per cent in Australia.

I think what the figures are demonstrating is that South Australia's construction industry has performed more strongly relative to national figures, whilst enduring the worst of the COVID-19 pandemic and, as we are hopefully emerging from the COVID-19 pandemic, our construction industry is growing more strongly. The MBA do put down a significant factor in that being in their words, 'The HomeBuilder has ignited the residential sector with a massive spike in sales,' and they refer to I think a story which might have been in *The Advertiser* yesterday headlined 'Land sales skyrocket in Mount Barker as buyers pounce on HomeBuilders grant', and the first part of that indicates:

> Low interest rates and first home buyer incentives are driving a turnaround in land sales across Mount Barker…Lot sales have jumped by 400 per cent at Newenham Estate, while Glenlea has struck a new chord with first home buyers.

Subdivisions are also on the rise in Mount Barker, with 25 new parcels created through May—the highest figure recorded in SA.

There are other similar figures. I won't take up the time of the council in going through all of the figures but I think they are at the very least encouraging signs for the construction industry, that important industry sector in South Australia, with the easing of restrictions much more quickly than we would have ever envisaged in March and in April this year.

Hopefully, the combination of the HomeBuilder grant, with the incentives and stimulus that the state government has provided generally to the industry sector, and also with the continuing low interest rate environment, which the Governor of the Reserve Bank, Mr Philip Lowe, is publicly and privately saying he believes will continue for a significant period of time and will be conducive to further growth of employment in the construction industry sector in South Australia.

ADELAIDE FRINGE FESTIVAL

The Hon. T.A. FRANKS (15:07): My question is to the Treasurer. Last year, we celebrated 60 years of the Fringe—in fact, earlier this year, but under COVID it seems so much longer. I seek leave to make a brief explanation before addressing a question to the Treasurer on the topic of the Adelaide Fringe Festival.

Leave granted.

The Hon. T.A. FRANKS: This year we celebrated 60 years of the Adelaide Fringe, an extraordinary event, world-renowned and the biggest open access arts festival in the Southern Hemisphere. Today, they have released figures that show that for every dollar of government investment, $18 comes back to our state. My question to the Treasurer is: what support will he give the Adelaide Fringe Festival to live to see not just its 61st year but, through this COVID pandemic, to celebrate another 60 years?

The Hon. R.I. LUCAS (Treasurer) (15:08): The Hon. Tammy Franks is very astute because the one minister that she would ask a question of in relation to artistic endeavours would be me as the Treasurer, because she knows I am a fierce advocate for anything to do with artistic endeavours in this state and a massive supporter of our Premier, who is a great lover of the arts, in anything that he wishes to do within the broader arts fraternity.

The Hon. T.A. Franks: If it was a horse race and it was 18 to 1, you would possibly take this bet.

The PRESIDENT: The Hon. Ms Franks, don't interject.

The Hon. R.I. LUCAS: I hear those figures from a number of initiatives within the arts and indeed in the tourism sector. My colleague the Hon. Mr Ridgway regales all of us with impressive figures of for each dollar invested in tourism, for example, the massive returns to the state and in particular in relation to I think the events sector and the convention sector in relation to the tourism industry.

The state government, to be fair, going back decades, I think under Liberal and Labor governments, have always been strong supporters of the Fringe and the extent of that investment has grown under Labor and Liberal governments over that period of time. I can't indicate how much the original investment that the government has had into the Fringe, but I know it is a considerable investment into the Fringe at the moment.

I'm sure, with the fierce advocacy of the Premier, it will continue to grow stronger and stronger. In relation to any specific details about further initiatives that our visionary Premier might have in relation to the future of the Fringe, I will seek advice from the Premier. If there is anything further that he likes to add to my comprehensive answer to this particular question, I will bring an answer back, but if he thinks that I have more than adequately covered his passion for this particular event, I won't bring anything further back.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (15:10): My question is to the Minister for Trade and Investment regarding interests and allowances. Minister, in your time as a member in

this parliament, what are the locations that you have claimed as your usual residence for the purpose of the country members' accommodation allowance? Will you consent to the full and complete release of all your claim forms, if any, for the country members' accommodation allowance?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:10): I'm not sure I am responsible to the chamber for this matter, but I will, in the interest of transparency, provide an answer. As members opposite and on this side would know, when I was originally elected I was living and working on a farming property in the South-East, section 342 hundred of Tatiara in the Tatiara district—the County of Buckingham, if I want to be really accurate. That was a place that I lived and resided until I sold the property to my brother in 2007. On all the records that we will see, that would be my residence until I sold the property and moved permanently to Adelaide.

Those records are now nearly 20 years old. You have spoken earlier about the administrative burden on your team in the parliament to provide members with the other records. I am more than happy for those records to be made public, but I understand that you have already charged them with a body of work that will require some time, so whenever they have a chance to make them available, then I am sure they can be seen.

CORONAVIRUS

The Hon. D.G.E. HOOD (15:12): My question is to the Minister for Health and Wellbeing. Will the minister update the council on the government's innovative response to COVID-19?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): I would like to thank the honourable member for his question. Here in South Australia we have thankfully avoided some of the tragic impacts of the COVID-19 pandemic that have been seen elsewhere in the world. This has been primarily due to the combination of world-class expert public health advice and a high degree of cooperation from the South Australian community with that advice. But we have also benefited from South Australia's innovative spirit. South Australians have shown an unmatched agility in responding to the pandemic.

We saw this first in February when SA Pathology moved to include testing the COVID-19 in the suite of tests performed on respiratory samples in South Australia. This gave us early valuable data on the prevalence of COVID in the community more broadly than can be obtained from dedicated COVID-19 clinics alone.

Building on this early step, on 11 March the government opened Australia's first drive-through COVID testing clinic. I understand it was only the second such drive-through clinic in the world. That clinic is located at the reactivated Repat site. The collection centre has continued to provide a convenient, accessible and low-risk option for receiving a COVID-19 test, which supports the GP-led clinics and the dedicated hospital-based clinics and further serves to alleviate pressure on our hospitals.

To date, I am advised, that 11,200 samples have been taken at the clinic, which is nearly 10 per cent of the total tests in South Australia. This success in the testing regime was also shown in the rapid upscaling of our testing capability, which meant that by 12 May South Australia became the first Australian state to test over 4 per cent of the population.

This was supported by another innovation: a team of domiciliary nurses that SA Pathology formed to go into residences and take swabs for testing, making it easier for vulnerable South Australians in particular to get tested for COVID-19. Further supporting the vulnerable members of the community and so broadening our testing regime, SA Pathology opened three collection centres dedicated to the collection of samples from immunocompromised patients. Not only did this make the collection safer for these patients, but it helped them to spend less time at hospitals and more time with their families and loved ones.

These innovations in the collection of samples and testing were matched by innovation at the other end of the process with an SMS service set up to notify patients quickly and directly of their COVID-19 test results. South Australia's success in dealing with our pandemic so far is an achievement that all South Australians can be proud of, but more importantly it should be strong motivation for us to redouble our effort to fight the pandemic.

We have a significant community outbreak underway in Victoria. We must act now to protect our public health. We must back the advice of our public health team by maintaining our physical distancing at 1.5 metres or more, keeping up our personal hygiene and, in particular, making sure that we get tested if we have any symptoms. I would like to thank our hardworking front-line health workers and the dedicated team at SA Health who have helped South Australia flatten the curve and with their innovation and their responsiveness helped us to deal with the first wave.

VACCINATION BREACHES

The Hon. F. PANGALLO (15:16): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing in relation to a nurse.

Leave granted.

The Hon. F. PANGALLO: Recently, there was a report regarding a nurse who had been banned for 15 years for various breaches regarding vaccinations and also dealing with documents. The article in *The Advertiser* following a court appearance did not mention anything about criminal charges. Can I ask the minister why criminal charges were not pursued against this nurse or are criminal charges pending against this nurse?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17): I thank the honourable member. Considering that criminal charges would be a matter within the portfolio of the Attorney-General or possibly within the portfolio of the Minister for Police, I will refer the honourable member's question to the relevant members and seek a response.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (15:18): Sir, my question is to you regarding allowances and interests. Given that this matter wasn't traversed in either statement you made yesterday or today, are you able to inform the chamber if you have ever received rental income from a place that you had put as your usual place of residence for the purposes of the country members' accommodation allowance?

The PRESIDENT (15:18): I can answer that: no. The answer is no. I refer you to my statement.

CORONAVIRUS

The Hon. T.A. FRANKS (15:19): I seek leave to make a very brief explanation before addressing a question to the Minister for Health and Wellbeing on the topic of the COVID-19 testing regime.

Leave granted.

The Hon. T.A. FRANKS: I have asked the minister previously in this place what is the false negative and false positive rate of the current COVID test and the COVID test that we have used over time. My question to the minister is: what are they?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:19): I thank the honourable member for her question. My understanding is I took those questions on notice.

The Hon. T.A. Franks: I have not got an answer yet, and I haven't got an answer from the committee either.

The PRESIDENT: Order!

The Hon. S.G. WADE: My understanding is that an answer is near completion for me to provide the honourable member. I hope to do so in the next day or so. I do stress that it is important for us to be aware of the reliability of tests but public health officials will use tests from time to time that are not 100 per cent accurate.

For example, the Victorian regime has decided to use saliva testing. My understanding is that saliva testing provides—and it is my understanding, and I must admit I am a politician not a clinician—but my understanding is that saliva testing produces false tests in about 15 per cent of cases. In certain circumstances, you still may want to use that one. For example, if you are taking a

test from a child or perhaps somebody with a disability where you don't want such an intrusive measure.

But I assure the honourable member, the answer is not far away and I will certainly make it one of my goals to have it with you in a day or two.

Matters of Interest

MULTICULTURAL OUTREACH GRANTS

The Hon. J.S. LEE (15:21): It is 1 July 2020 today, and I believe South Australia is ready to press the reset button for the second half of the year. The first half of 2020 is officially over. We have survived many challenging days in the COVID pandemic and we have much to be thankful for. I take this opportunity to once again express my heartfelt thanks to SA Health, SAPOL, front-line heroes and all South Australians who have played a critical role in safeguarding the health and wellbeing of everyone. We are stronger together as a community.

The high level of cooperation and responsible action, such as staying home whenever possible, good practice of social distancing and making sacrifices over the last few months, have kept SA safe. We have become one of the safest and most enviable places in the world. This has better positioned our state to enjoy the freedom and liberty in opening up our economy, getting back to normality faster and getting SA moving again.

As South Australia enters step 3 of easing COVID restrictions, unfortunately we are seeing a concerning rise in community transmission in Victoria. Over the last week, we have seen a number of reports questioning the Victorian government's handling of the pandemic, and claiming that Victorian authorities had failed to engage with multicultural community leaders and needed to redouble their efforts to reach CALD communities in Melbourne hotspots.

In light of these reports and reflecting on the situation, I would like to highlight a different scenario for South Australia and acknowledge the incredible leadership and proactive response by our multicultural communities in our state in managing the COVID-19 pandemic.

It is a great honour to report that the Premier, the Hon. Steven Marshall, and the Minister for Health and Wellbeing, the Hon. Stephen Wade MLC, and I have demonstrated a strong commitment to support multicultural communities from the beginning of the pandemic. Our government has been working in collaboration with multicultural communities through SA Health, SAPOL and other government agencies to distribute vital translated resources and health information and emergency COVID-19 directives to our CALD community.

I have regular meetings with the Premier and minister Wade about the health and wellbeing of our multicultural communities and thank them for their great leadership. As a matter of fact, I will be catching up with the Minister for Health and Wellbeing later today to discuss how we can best support multicultural groups moving forward in a COVID-safe recovery.

I am very proud that the Marshall Liberal government, through multicultural affairs in the Department of the Premier and Cabinet, has been proactive in repurposing the multicultural affairs grants program with community organisations to address the priority needs of the diverse CALD community in South Australia.

Multicultural organisations that have fulfilled all the criteria for funding were able to successfully access the government's multicultural grants to deliver the emergency COVID-19 outreach program to multicultural members who have been disadvantaged by COVID-19. For the public record, the funding criteria include the submission of a detailed proposal with supportive documents such as quotes, association constitutions, latest AGM minutes, and relevant financial reports.

In addition, these multicultural organisations must not have any outstanding acquittals from previous funding rounds and are able to demonstrate proven management capabilities to deliver good community outcomes. It is my privilege to acknowledge the organisations that receive government funding for COVID programs, and they are:

- the Adelaide Sri Lankan Buddhist Vihara, for the Sri Lankan community;

- the Amazing Northern Multicultural Services, to serve the African community;
- the Australian Migrant Resource Centre;
- the Brazilian Association of South Australia;
- the Campania Sports and Social Club Community Centre;
- the Greek Orthodox community of South Australia;
- the Islamic Information Centre;
- the Islamic Society of South Australia;
- the Middle Eastern Communities Council of SA;
- the Multicultural Communities Council of SA;
- Multicultural Youth South Australia;
- the Non Resident Nepali Association of South Australia, for the Nepalese community;
- Radio Italiano 531;
- the Sikh Society of South Australia Inc.;
- the South Australia Chinese Community Culture and Trade Promotion Association, for the Chinese community;
- the South Australian Bangladeshi Community Association;
- the Thai-Australian Association of SA;
- the Vietnamese Community in Australia/South Australian chapter; and
- Vishva Hindu Parishad of Australia, to serve the Hindu community of South Australia.

I sincerely thank them for their outstanding leadership and efforts to bring together many volunteers to support our most vulnerable communities during these unprecedented and challenging times. I acknowledge them and thank them.

CITY CONNECTOR BUS

The Hon. E.S. BOURKE (15:26): The hum of the 98A and 98C free City Connector buses has been missing from our streets; a hum associated with connecting residents, workers and visitors to medical appointments on Melbourne Street and popular city shops like Rundle Mall, and also the Royal Adelaide Hospital. But the hum of those buses was replaced by the sound of footsteps by Yvonne, Peter, Sally and Lian from the Helping Hand Residents' Association, pounding the pavement to chat to fellow Buxton Street residents about their freedom being taken away by this government.

Within a short space of time, a petition had close to 100 signatures—from just a small area in the community—to bring back their free City Connector bus. Over the last couple of weeks, I have had the absolute pleasure of working with Yvonne and Peter, along with many other local residents, not just from North Adelaide but from the CBD. The community shared its frustration about why, unlike other bus services, the free City Connector had not yet been given the green light to recommence its service. The community has been waiting and waiting and waiting to be reconnected to the essential services that have been off the road since 4 April.

There are people such as Yvonne, who relies on the service to get to medical appointments in Melbourne Street, to her church every Sunday, and to connect to the train station so she can visit her family and friends. This was taken away from her. When the 98 is running, Anita uses the bus four to five times per week to get to Melbourne Street, and to do her grocery shopping in the city.

What the free City Connector bus does is in its very name, and that is what has been overlooked by this government. It is a connector: a connector between the city and North Adelaide, a connector between the community and medical services, and a connector between friends and family. The list could go on.

The SA Labor Leader and member for Croydon, Peter Malinauskas, and his team have listened to Yvonne and Anita's stories and hundreds, if not thousands, of residents who have contacted our offices. We stood with local residents to call for the government to backflip on this out-of-touch policy, a policy that should never have progressed from the thought bubble of a pink cabinet paper that appeared before every member of this Liberal Party.

Today, I again joined North Adelaide residents Yvonne, Peter, Leanne and Betty to celebrate their incredible effort. The free City Connector bus is coming back. The government may have come out saying, 'This was not a backflip; we listened to the community,' but their comments are nothing other than insulting to the very people whose freedom they have taken away. It was made very clear that the prolonged cancellation of the City Free bus connector had nothing to do with COVID restrictions.

If every other bus service was safe to run, why wasn't the City Free bus? The communities' fear of the free city bus connector not returning to its full service was highlighted when the Marshall Liberal government released their proposed changes to cut—was it—500 and then 1,000 bus stops across metro Adelaide. The fact that the government proposed the changes highlighted the fear that the users of the City Free bus service had that their service was under threat. The proposed changes would have meant that residents of North Adelaide and the city could no longer easily get to their health appointments, to Rundle Mall or to places like the Royal Adelaide Hospital or to TAFE SA in the city.

There is not one Liberal MP that was not a part of this discussion. We call it a caucus; those opposite call it the party room. All Liberal members, both from this house and the other place, allowed this to go through the party room. The local member for Adelaide, Rachel Sanderson, sat not only at the party room table but at the cabinet table and was unable to stop this from progressing.

It was the community and Labor who worked together to stop this out-of-touch government from taking yet another service away from taxpayers and the very residents who rely on this service the most—people like Betty who need this to be independent. She is bound to her walking frame and cannot just trot up the road to catch the next bus from a stop that is 800 metres away.

As local residents have pointed out time and time again, this is not a service that should be cut; it is a service that should be promoted; it is a service that should be invested in.

INFORMATION ACCESS

The Hon. M.C. PARNELL (15:31): When it comes to public confidence and trust in government the key elements are accountability and transparency. In my work over many years in the public realm, whether it is here in parliament or in the community, I have synthesised down to four key elements what I think people are looking for when it comes to what comprises public confidence in government.

First of all, people want access to information. They want to know what is happening, what is going on and what the information base is for decisions that are made. Secondly, people want to participate in decisions that are made that affect them. Thirdly, even if people do not want to participate in decisions, they want those decisions to be transparent. They want to know with confidence how they were made and that they were made on the right grounds rather than on any wrong grounds. Finally, when things go wrong, as they do, people want access to justice.

I want to focus mainly today on access to information. People often think about the Freedom of Information Act as the key tool for providing access to information, but really that is a last resort. A last resort for citizens to find information is to have to use the complex and time-wasting procedures set out in the Freedom of Information Act. What most people expect is that information we have a right to see will be routinely published—that you will be able to go to a website and find the information you want. You should not have to go through FOI.

I had an example recently where a government agency, a planning body, put a lot of information on its website for six days, and then when the six days was up they pulled the information from the website and replaced it with a note saying, effectively, 'You've missed the window. If you now want these documents, please apply through freedom of information.' What a ridiculous way for a government agency to behave. Have they not heard of things called archives? They could just say,

'This is no longer current. You will find it here in the archives.' It was ridiculous, I think, that a parliamentary committee had to write to the department saying, 'Can we please have those documents that used to be publicly available and that you've pulled off the website?'

When it comes to financial information there is very little transparency. Certainly, we know, here, that there are processes through the Auditor-General; there are budget papers. Those mean nothing to ordinary citizens. Ordinary citizens want that information explained to them in a much simpler form.

One thing they are very keen to find out about is whether their elected representatives, their members of parliament, are squeaky clean in relation to their personal finances, so that they do not affect public decisions that are being made in parliament. When you look at the Register of Members' Interests rules, these are documents that we are all familiar with. We fill them out each year, but they do not really tell the community anything.

For example, if you have an interest in a trust, you declare it, but no-one knows what that means. They do not know whether that trust is some sort of ownership structure for a business that makes widgets or an investment company that owns buildings or shopping centres or houses or whatever—no idea. Similarly, regarding declarations in relation to shares, you might declare BHP shares, but no-one knows if you have one or one million. I think that those antiquated rules in relation to the Register of Members' Interests need to be revised.

Even just in terms of how we make decisions in a place like this, I have said to anyone who will listen that I think the Victorian parliament is doing a good job in providing access to information to its citizens. If you are on Twitter, you will find out from the Victorian parliament when every select committee meeting is being held, where it is, how you can attend and what they are talking about, and you get that in advance. That is not something the South Australian parliament has embraced. I think we should.

It may be that people are nervous that the more we open up the more people will not like what they see. That is not an excuse for not opening up; that is a reason for having better systems. I think this parliament, and we as members, need to do much more in relation to transparency. The government as well takes prime responsibility, I think, for the lack of trust in government. They need to get their act in order. We need to commit to a new era of openness and transparency.

REGIONAL ECONOMIC RECOVERY

The Hon. D.G.E. HOOD (15:36): I rise today to speak about the importance of regional economic recovery from the devastating impact of the coronavirus pandemic. Regional South Australia has been hit particularly hard by COVID-19 restrictions, as members would be aware. Our regional communities have had a devastating start to 2020, firstly with the drought, then bushfires and now the coronavirus pandemic.

South Australia's regions are a key driver of the state's economy and will be critical to a rapid recovery as COVID-19 restrictions continue to be eased. South Australians have done an incredible job working together to limit the health impacts of coronavirus, and now we need to focus on building a strong economy that creates job opportunities both now and into the future.

The economic resilience of our regions will underpin the future prosperity of South Australia. This is why the Marshall Liberal government recently fast-tracked $15 million of the Regional Growth Fund to provide some much-needed economic stimulus. The Hon. Tim Whetstone, the Minister for Primary Industries and Regional Development, member for Chaffey, saw this as an excellent one-off opportunity for individual regional businesses to access up to $2 million to launch shovel-ready projects, driving new or greater economic activity. This, of course, creates much-needed jobs.

Whilst the Regional Growth Fund usually is not available to individual businesses, the unprecedented nature of the coronavirus pandemic has led the government to open this exceptional funding opportunity to stimulate investments made by individual commercial enterprises. Applications remain open until 12pm on Monday 6 July—so just next week—for grants between $50,000 and up to a substantial $2 million. This will unlock business investment and help kickstart vital economy-growing projects in our regions and right across the state.

It is critically important that businesses that want to be part of a growing economy put submissions into this latest round. Again, I emphasise that our regional centres are critical to the state's economy—that is simply a fact. It is also important to note that this is on the back of another stimulus round, where the government provided an extra $5 million of stimulus through the Regional Growth Fund directly after the COVID-19 pandemic was announced. This ongoing government investment is key to rebuilding confidence in our regions.

It is encouraging to see South Australians getting out and about and supporting our regions, which further boosts the regional private sector and businesses all over the place, helping to lift our regional economy. Our regions have so much to offer, and as regional tourism begins to recover South Australians can continue to experience our great state. There are many ways that the government is encouraging regional recovery. More than 1,000 people a day are visiting the Marshall Liberal government's new jobs website targeting unemployed South Australians to get involved in seasonal work in agriculture, such as fruit picking or grape harvesting.

The new jobs campaign, Seasonal Jobs SA, was recently launched to help connect jobseekers in agricultural work across the state and boost regional economies dealing with the impact of the coronavirus. With South Australia's borders having been closed to protect the state from coronavirus, there has been a reduction in the international and interstate travellers who normally take up seasonal jobs. The coronavirus pandemic has had an impact across many industries, and Seasonal Jobs SA is a vehicle to fill jobs in agriculture to help our farmers get their quality products into the Australian marketplace.

The campaign's tagline is 'If you need jobs we need you', and it encourages South Australians to give these seasonal jobs a go to help address the significant workforce challenges faced by our primary industries sector going forward. To have more than 1,000 people a day visiting the Seasonal Jobs SA website is a great result and, with more jobs available in the coming weeks and months, anyone who has had their employment affected by coronavirus is encouraged to visit the site. There they will find a wide range of jobs available across a range of agricultural sectors.

This year alone around 24,000 workers are needed fill essential agricultural jobs, so we need locals to get involved and get their hands dirty for the sake of our primary industries sector. Whether it be fruit picking, grape harvesting, vine pruning, tree planting or vegetable picking, regional jobseekers can play an important part in putting food on the tables of South Australian families. I am aware of one example where Citrus South Australia has been inundated with applications for jobs, and that has saved the 2020 citrus season. That is an outstanding success.

By subscribing to the Seasonal Jobs SA website prospective workers can match their skills to new jobs as the seasonal work changes. There is a wide range of roles available and they are different for each sector over the year. The website also ensures we are keeping our regional communities safe with a toolkit of information to help employers and employees understand the coronavirus requirements.

I encourage all members of this council and the other place to promote the Seasonal Jobs SA website, and urge rural businesses to apply for Regional Growth Fund assistance. Here in South Australia we are attracting investment into this great state, strengthening regional economies and creating regional jobs.

MANUFACTURING INDUSTRY

The Hon. J.E. HANSON (15:41): Green steel and other advanced manufacturing possibilities can exist, and they will exist, right here in our state as long as we have governments that are willing to support them. The fact is that right now we do not. So much of what Australia currently consumes is manufactured abroad, particularly in China.

The pandemic has laid bare fundamental flaws: we simply do not make enough things, and our healthcare supply lines, amongst many, in times of crisis are reliant on the unreliable. More than this, even when companies can source supplies from abroad, basically they are incredibly expensive.

This has to change. We have to make it here. We have to make it well, and we have to make it available to Australians first. Well, why haven't we? As a former Dow Chemical Company CEO recently put it:

> It is because up until now we have believed that free markets can do it all…Well, big news, free markets don't.

He is not alone. Doorknock someone these days and they will tell you: manufacturing has stopped being just an economic and trade issue, it is now about national security as well. If you doorknocked a captain of industry like Dr Jens Goennemann, the CEO of the Advanced Manufacturing Growth Centre, a body set up by the Abbott government to promote the manufacturing sector, he would say something like this:

> The simple truth is that if you want to play a relevant role on the international stage, and you cannot make complex things, you will [walk away] empty-handed…And, if you cannot make complex things, you cannot respond effectively to a crisis, be it a pandemic, a military incursion or global warming. It is not an ideological matter but a practical one: if the mining sector collapses, or there is a trade war and China stops taking our agricultural products, then what?

A valid question, Mr Acting President.

Dr Jens and I are not saying we will be building the world's first flying car next year but, in practical terms, I am saying that we should be looking at how to build products to sell to the world. To do this we need to start with industries that we already have here. How? I am glad you asked. Sanjeev Gupta, the Whyalla steel magnate, has put it most succinctly. He said:

> It is incredibly important to have foundation industries from which you build the rest of the manufacturing sector…Big industries like energy, aluminium, steel, chemicals, fertilisers—these basic foundations are critical.

I could not agree more. Mr Gupta has put his money where his mouth is. In addition to guaranteeing not one job will be lost out at Whyalla and that all of his Australian operations will not be competing with each other, he is also building the largest solar farm of its type in the Southern Hemisphere as he moves his operations towards a modernised plant based on hydrogen.

I know that right now, governments are looking to get behind Australian manufacturing, and Mr Gupta's project is exactly the sort of project that they should be looking at backing. There is no reason why Australia should not be leading the world in modern sustainable steelmaking. The capacity to produce steel is critical to the kind of projects we want to see in this state, including defence projects.

The South Australian and federal governments can provide additional support to Australian steel by committing to using it in all upcoming infrastructure projects. I am not aware of even one major project currently underway for which the local Marshall government is responsible, announcing that it is using Australian steel or Australian concrete. How can I say that? Well, two years in, our north-south corridor sits unfinished. The Liberals' promise of a new hospital sits on endless, 'When will it start?' ideas. Will it start next year, or in 2022, or in 2024? More than that?

The Hon. J.S.L. Dawkins: Sixteen years.

The Hon. J.E. HANSON: What happened to the Port Augusta solar farm, the Hon. Mr Dawkins? What happened to that? It collapsed under your government. And in defence, the submarines are lost in the same inbox that Mr Marshall's hospital announcement seems to be, Mr Dawkins. It lays there while Mr Marshall presumably awaits orders from Canberra.

South Australia cannot afford to wait for orders from Canberra. We need to act now to support existing industries to modernise and to take the biggest slice of the new manufacturing jobs that are going to be produced in the next few years, with the global pandemic affecting the world, to bring them here, to make it here and to make it well.

Bills

CONSTITUTION (PLEDGE OF LOYALTY) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (15:46): Obtained leave and introduced a bill for an act to amend the Constitution Act 1934, and to make a related amendment to the Oaths Act 1936. Read a first time.

Second Reading

The Hon. M.C. PARNELL (15:47): I move:

That this bill be now read a second time.

Across the globe, citizens of many nations are rethinking and reimagining the future. It is not just about the world post-COVID, but other social issues have been gaining traction. In the United States, we see a resurgence of the Black Lives Matter campaign, fuelled by the death of African-American citizen George Floyd in Minneapolis, Minnesota. In Australia, people are again agitating to end racism in this country.

People are marching in the streets in support of true reconciliation with our First Nations People. There are renewed calls for a treaty or for constitutional recognition. There are growing numbers of people questioning why have statues and monuments to historical figures whose crimes against humanity cannot all be explained away as being a product of the times. Yet, we have very few monuments or statues recognising the struggles of Indigenous people. All of these issues are separate, yet they are related.

When it comes to policing and corrections, the spotlight has been on the over-representation of Indigenous people in the criminal justice system. People also want to know why recommendations of the Royal Commission into Aboriginal Deaths in Custody from last century still have not been implemented. So it is encouraging to see that our police are actively recruiting young Aboriginal people to join the police force. There are even special pathways to help with this process such as the community constable scheme, which supports Aboriginal people who want to serve their community. To quote from the SAPOL website:

As a community constable, you'll use your understanding of cultural and social issues within your local community to work with SA Police and the community. To join us, you need to be an honest and respected leader with a strong desire to assist the community and the ability to meet challenges head-on.

That is all well and good, but what has any of this got to do with amending the South Australian constitution and the Oaths Act? The answer is simple: in order to join the police force and a range of other official positions, which I will get to later, new members are required to swear an oath. Police officers, community constables and special constables must take an oath or an affirmation on appointment pursuant to sections 25 and 60 of the Police Act 1998. The form of oath and affirmation are set out in schedule 3 of the Police Regulations 2014 and it reads like this:

I, AB,—

that is your name—

do swear—

or if you prefer to make an affirmation it is—

I, AB, do solemnly and truly declare and affirm—

and here are the words—

that I will well and truly serve Her Majesty Queen Elizabeth II and Her heirs and successors according to law in the office of community constable, without favour or affection, malice or ill-will; and that I will faithfully discharge all duties imposed on me as a community constable—[So help me God!]

You say 'So help me God!' if you have decided to swear.

Whilst at the start of every sitting day in this parliament we acknowledge that we meet on Aboriginal land, we start our conferences with a Welcome to Country or an acknowledgement of country, and as we try to come to grips with our colonial past and the dispossession that it entailed, as we do all of this we still require Aboriginal people with a desire to help their local community to swear allegiance to the Queen before we allow them to become community constables. Whose brilliant idea was that?

Why is it that the first words a community constable utters on her or his first day on the job is to pledge to well and truly serve whoever happens to be the current incumbent in the hereditary monarchy of the colonial power that took Aboriginal land by force and dispossessed the people? Whose idea was that?

Of course, it is not just police officers, it is also members of parliament and judges and, until fairly recently, it was lawyers as well. When I was admitted to practice as a lawyer in Victoria in 1984, I had to swear a similar oath of loyalty. That has recently been removed for lawyers but it took a long time—over 100 years, in fact. In the 19th century, the United Kingdom, through the Promissory Oaths Act of 1868, they removed the oath of allegiance to Her Majesty The Queen for barristers and solicitors seeking admission in that jurisdiction, yet it survived here for another century or more.

Closer to home, when members are sworn to take their seats in this parliament, the constitution requires them to swear or affirm an oath of loyalty. The crux of section 42 of the constitution is that no member of parliament shall be permitted to sit or vote therein until the member has taken and subscribed the following oath before the Governor. The words are:

> I [insert name here] do swear that I will be faithful and bear true allegiance to [insert title of the Sovereign, His/Her] Heirs and Successors, according to law. SO HELP ME GOD!

Again, in this parliament, when we take this oath, God is optional. Members can choose to affirm rather than to swear. But the failure to take this oath means that the will of the people in a democracy at an election is frustrated and the member cannot take their seat unless they have taken that oath.

In practical terms that means that those who are elected, both here in the other place, the members who are entrusted to legislate for the order and good governance of the people of South Australia, must pledge fealty to not only Queen Elizabeth, the only monarch who most of us have ever known, but to each of her potential heirs and successors, whoever they might be.

The line of succession to the British throne makes for interesting reading. Most of us know that the Queen's very patient son Prince Charles is next in line, followed by his eldest son, William. But as you work your way through the list, you get to number eight: Prince Andrew. This is the guy who is causing intense embarrassment to the royal family. He is an associate of disgraced, now deceased paedophile billionaire Jeffrey Epstein.

Prince Andrew is potentially one of these 'heirs and successors according to law' that members of parliament and Aboriginal community constables are required to swear allegiance to before they can take up their positions of public service.

So I am not mistaken, I sincerely hope that no ill-fortune befalls the seven people ahead of him on that list, but the point I am making is: why in an independent nation in the 21st century are we harking back to our colonial past, rather than looking forward to our multicultural future with true recognition of our First Nations peoples? If members are interested, I can show you the list of succession. There are lots of little kiddies in there now that the royal family has been breeding, but No. 8, Prince Andrew, the Duke of York, is certainly still on that list.

My bill does away with this outdated and inappropriate provision in our constitution and a related provision in the Oaths Act. Now is the time to relegate this relic of an oath of allegiance to the history books and, in its place, entrench a pledge of loyalty which asserts that those charged with the drafting, enactment and enforcement of the laws of this land owe their duty to the citizens who elected them or who they serve, not a genetically selected ruler residing in a foreign and distant land.

Such a change is not without precedent. In the NSW parliament in 2005, two days prior to Prince Charles' second marriage, an amendment introduced by Labor MP Paul Lynch was passed. Mr Lynch at the time said, 'We'll be swearing allegiance to the citizens and families of New South Wales—the people who put us in our jobs.'

A similar amendment also passed the House of Assembly of this state that same year, only to languish in the upper house. In speaking in favour of the bill, the sadly departed member for Fisher, the late Hon. Bob Such, said that such an amendment would 'ensure that members of parliament are focused on serving the people of this state rather than being tempted to serve their own interests or those of other bodies, including major political parties'.

Ten years prior to NSW's reform and prior to the mooted changes in South Australia, the ACT was the first to act by giving members of the Legislative Assembly a choice of oaths, either to The Queen or to the people of the territory.

When it comes to citizenship, in 1993 the federal ALP made a commitment to 'replace the old Oath of Allegiance with a Pledge of Commitment as a Citizen of the Country of Australia'. After the election, introducing the legislation, then minister for immigration and ethnic affairs, Senator the Hon. Nick Bolkus, said:

> …we need to have an oath of allegiance which reflects the core values of Australia and which is a bonding instrument, and we can do this without any disrespect to our sovereign…

So now we have a situation where new arrivals to our country are not required to swear allegiance to the Crown, but people who have been here for tens of thousands of years are required to do so if they want to join the police, the judiciary or the parliament. The pledge of commitment in citizenship ceremonies now takes two forms, either with or without God. The secular version reads:

> From this time forward, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold and obey.

I really like that. I think they are good words. That pledge came into effect in January of 1994, and I do not believe there have been any changes to it since.

Our state constitution is a living creature that is designed to evolve with the times. We saw this in the days preceding the last election, when the appallingly misnamed 'fairness clause' was removed from the constitution, and good riddance, I say. But our times, they are a-changing again, and this amendment is another opportunity to move with the times, rather than to take a step back in time, as it appears the government and the Attorney-General wish to do with their reintroduction of Queen's Counsel, which is a matter for another time.

Two former political leaders who I suspect are dear to the hearts of some members of this house, Paul Keating and Nick Xenophon, were also proud republicans. They favoured the shifting of allegiances to the citizens of this country, not to the old Empire. Keating in 1993, when discussing amendments to the oath of citizenship, said the following:

> …while the British monarch still has our affection and our regard, there is no question that the monarchy commands much less of both.

Mr Xenophon, in 2010, in an article in *The Age,* during the renewed push for the republic, back then reiterated his support for an Australian rather than a foreign head of state.

It has been 152 years since the British removed the oath of allegiance for lawyers in their country. It has been 27 years since Paul Keating spoke about reforming our citizenship oath. It has been 15 years since our fellow citizens in New South Wales reformed their oath for members of parliament and it has been 26 years since the pledge of commitment in citizenship ceremonies was reformed. As a state that has proudly led the way on constitutional reform such as when we gave the right to vote to women in 1894, the time is well and truly up for us to act on this issue.

Some may say that the oath is only words, it is only symbolism, but words do and should matter, particularly when they are solemnly sworn. When it comes to replacement words to the oath of loyalty, I am open to suggestions. In the bill, I have opted for a simple commitment that reads as follows, 'I pledge my loyalty to Australia and to the people of South Australia'. If members think we can do better, and as I said, the words in the citizenship ceremony I think are pretty good, if it is a deal breaker to get some different words in, I am open to that because the most important thing for us to do at this stage is to remove the reference to hereditary monarchy that is less and less relevant to Australia by the day. With those words, I commend the bill to the house.

Debate adjourned on motion of Hon. D.G.E. Hood.

Motions

BLOOD DONATIONS

The Hon. T.A. FRANKS (16:01): I move:

That this council—

1. Notes that since 1996 South Australia has had a deferral period for gay and bisexual men looking to be donors of whole blood, meaning they cannot donate blood unless it has been 12 months since their last sexual contact with a male partner;

2. Recognises that the Therapeutic Goods Administration (TGA) has recently approved an application by Australian Red Cross Lifeblood (Lifeblood), which proposes to reduce the deferral period for donors of whole blood from 12 months to three months since their last sexual contact; and

3. Supports the removal of this restriction and calls on the Marshall state government to effect its implementation in South Australia so that more people can donate blood regardless of their sexuality or sexual activity.

We have recently passed a milestone of World Blood Donor Day and I am pleased that in some jurisdictions we are finally seeing long, overdue reforms removing the stigma that has been unnecessary for health reasons for some period of time. In Australia, of course, there is largely, across all jurisdictions, a 12-month deferral period for donors whose sexual practices, according to the Department of Health, put them at increased risk of acquiring infectious diseases that can be transmitted by blood cells or tissue. This deferral period applies to a number of donor groups and is based on sexual activity in terms of risk factors and includes male to male sex and sex work.

Over the past few years, a number of international moves have been afoot to reduce these now archaic and erroneous periods of deferral from that 12 months. For example, in November 2017 the UK began incrementally moving from that 12 months to a three-month period for deferral for all sexual activity-based risks, including male to male sex. Canada and the USA respectively have done the same: Canada in June 2019 and the USA in April 2020.

Moves are afoot to move away from these historic deferrals and prohibitions on who can donate lifesaving whole blood. At the moment, the Red Cross Lifeblood submission has put to the TGA that a significant number of currently prohibited donors should be able to change that deferral period from the 12 months to three months.

That includes male donors who have engaged in male to male sex; female donors who have had sex with a man who has had sex with a man; transgender donors who have had sexual contact with a man; sex workers, male, female or transgender; overseas sexual contact with a resident of a HIV high-prevalence country; as well as IV drug use and those who have had sexual contact with a partner who is known to be infected with a bloodborne virus such as the range including HIV.

At the moment, the TGA has evaluated that application and it has accepted the science here—the science which stands against the stigma that has been applied to this group of potential donors. Following that, there has been a regulatory decision to accept the proposal of Lifeblood, also known more colloquially as the Red Cross, to reduce that deferral period.

Unlike in Victoria, where my colleague Greens MP Dr Tim Read has approached the Minister for Health—Dr Tim Read, who is the state parliament's member for Brunswick in that jurisdiction does have a public health background and he does know his stuff when it comes to this. He is both a politician and a clinician, to reflect on some words made earlier by the Minister for Health and Wellbeing. He has also noted that community attitudes have shifted and that the community would tolerate more detailed questioning to ensure that those who seek to donate blood are not unnecessarily prohibited from doing so.

We know that blood does not have a long shelf life and that we always need blood and blood donors. To continue to discriminate against groups, such as men who have sex with men in the last 12 months, is not only stigmatising, it is not best health practice to base our approaches to this issue on the science and not on the stigma.

I am very pleased that their minister, Martin Foley, has cooperated and worked not only with Dr Tim Read, Greens MP, but also has taken up the TGA's shift and in Victoria they have now moved to reduce the deferral period down to three months. This motion simply asks the South Australian government to do the same.

The TGA has cleared the path for you, the Red Cross in their guise as Lifeblood has put the science to the TGA, and has had that accepted. It is time to remove the stigma that prohibits some in our community from donating blood simply because of their sexuality or sexual activity. Many decades have passed since particularly the HIV AIDS then pandemic. We should move with the times, not simply for the best health outcomes to ensure the most blood donors possible but also to reduce the ongoing stigma against these particular groups in our society.

I know that the Red Cross have not been the ones who have held this particular position but I also know that they are the ones at the coalface who have to ask these questions of potential donors and deny potential donors.

I have told this story before: I remember a few decades ago, one day donating blood and being asked the script questions, 'Have you had sex with a gay man in the last 12 months?' to which my response was, 'How would I know, because if he is having sex with me, he wouldn't be telling me he is gay.' It was a flippant comment. They disregarded my flippant comment and took my blood. Had I been a man, they likely would not have, or most certainly would not have.

Technically, they probably should not have taken my blood on that day because we had this stigmatising and non-scientific script that the good people of the Red Cross have to follow day in, day out. It is time that this government showed some leadership and that we ended this discrimination. It is nonsensical in 2020 to continue it when it is not required by science, and other jurisdictions have shown us quite clearly the pathway forward. With those few words, I commend the motion to the council.

Debate adjourned on motion of Hon. D.G.E. Hood.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (16:10): I seek leave to move this motion in an amended form.

Leave granted.

The Hon. K.J. MAHER: The amendment I make is after the words 'That this Council requires the President to table' to replace the words 'on the next day of sitting' with 'Tuesday 21 July' and further, after the words 'no later than 5pm on Friday 3 July 2020' replace the words 'Friday 3 July 2020' with 'Tuesday 21 July'. In effect what that does is that the date that the forms were required to be tabled moves from the next day of sitting until Tuesday 21 July, and in addition the date that copies are to be made publicly available moves from Friday 3 July also to Tuesday 21 July. Having sought leave, I move the motion in an amended form:

> That this council requires the President to table on Tuesday 21 July 2020, and make copies publicly available by no later than 5pm on Tuesday 21 July 2020, all Country Members' Accommodation Allowance claim forms that have been submitted from 20 March 2010 to 30 June 2020.

I will not speak greatly about this as we have traversed matters to do with this and it has been publicly debated in the media over the last few days. It is important that we have confidence in our institutions and that we are abiding by the rules that govern those institutions.

I appreciate the Premier's new-found conversion to openness, accountability and transparency on the radio this morning when he said that the Liberal Party would be supporting this motion, so I look forward to support from across the political divide. Having discussed this with a number of members of the crossbench, I look forward to this passing so that we can make sure that everything that has been claimed is, in fact, the case, and that we have as much accountability, transparency and openness as possible.

The Hon. M.C. PARNELL (16:12): I am also pleased to support the motion as amended. At roughly $30,000 a year, I think the public does have a right to know who has received these payments, that the claims were validly made, and that the payments were validly made. I think this is an important matter of trust and confidence, especially once issues like this have hit the public realm.

Beyond this particular motion, which is an exercise in disclosure, I am also interested in how on earth these rules were developed in the way they were. I have certainly had no part in them. I understand that they are not part of the formal standing orders. In fact, when elected to this place, one is given two brown loose-leaf books, the standing orders book circa 1999—that is the version I have—and there is a thing called the *Members' Handbook*. It is in the *Members' Handbook* that many of these rules are contained. I do not know whether my version is up to date—I expect it is not.

I imagine that there are rulings of the Remuneration Tribunal that may have changed some of the contents, but the point still remains, and it is a rhetorical question: who wrote all these rules?

Where did they come from? Who decided it was 75 kilometres? I understand the dollar amount, the Remuneration Tribunal decided that. Did they decide the 75 kilometres? It is not a receipt-based system but should it be a receipt-based system? That is certainly a lot more onerous, if someone is obliged to produce receipts. It would also disadvantage people who perhaps live in their own home rather than renting a hotel. When renting a hotel it is easy to get a receipt; living in your own home, it is more problematic.

So I think these rules do need to be rewritten. I am delighted that we will have in the not-too-distant future a meeting of the Standing Orders Committee. Whether that committee is also the appropriate body to start looking at these various rules, I do not know, but I would certainly like to discuss that issue with fellow members of the committee.

But for now and for today, the motion is quite simple. These records should be produced, and they need to be made public, and that goes to accountability. I appreciate that in the corridors and in various offices over the last several days there have been many discussions about whether further amendments to the motion might be required. I am not proposing to move any further amendments.

There were a lot of questions in question time today about whether members were comfortable with their home addresses, for example, being publicly declared. I would imagine that there are some former members who maybe have not yet had that opportunity to have their say. If the amended motion passes, then we do have more time.

I do not know whether the mover of the motion wants to undertake to approach as many of those former members as can be found to determine whether or not they are happy to have their addresses or their former addresses put on the public record, if in fact those personal addresses are part of the records that will be disclosed.

With those words, I am happy to support the motion. My colleague has some additional remarks to make. I look forward to seeing what is produced, and I look forward to the public having confidence that this system is being properly administered and that all claims have been validly made.

The Hon. T.A. FRANKS (16:16): I echo the words of my colleague the Hon. Mark Parnell and indicate that we will be supporting this motion. I note its amended form in terms of ensuring that public servants are not made to burn the midnight oil uncovering pieces of paper. I have expressed some concern that particularly some members of parliament may not wish their street addresses to be published.

I am certainly not somebody who wants my street address published. I am not a country member and I am not subject to this allowance, but as somebody who has received death threats and rape threats to my office, it is not the sort of information that I think is appropriate to release far and wide. I have a silent number for that reason; I have a silent enrolment for that reason—not for any nefarious reason but simply for my own personal safety.

So I ask members to just be cognizant of those, I think, very valid concerns. When we pursue matters like this without thinking of those concerns we do actually reduce the pool of people who might consider running for parliament because of this level of, I think, undue personal reflection. If we are getting into a sphere where we will endanger people's personal safety, I am not going to stand by and let that happen, and I am not going to be browbeaten that I am not standing up for public accountability simply because I call for ensuring personal security and safety.

Having said that, this motion is a good start, but we can go a lot further. I have called before for an accountability commissioner so that parliamentary scrutiny can be applied independently, as it is in many other jurisdictions. I know the Hon. Frank Pangallo and I have had corridor conversations about this. I have previously called for this in the media.

For example, there is an $11,000 allowance, I believe, afforded the Labor Party in addition to any allowance the Greens might be able to access or that SA-Best might be able to access and in relation to which there was some concern because Reggie Martin of Labor Party HQ was authorising the materials the parliament paid for under that allowance.

I have no idea what the rules are around that allowance and I have no idea of the expenditure within that allowance, but this is public moneys and all allowances should be able to be audited appropriately, scrutinised appropriately and subject not to political game playing but indeed to proper public governance.

An accountability commissioner, as operates in the ACT for example but in many other jurisdictions in Australia and indeed the UK, can look at these matters in an independent way that understands the very nature of this particular workplace and work environment. With that, I say I hope this is not the end of the matter. The Greens will always stand for more transparency and not less, but we certainly will not be buying into witch-hunts and sacrificing people's personal security and safety for the sake of a media grab.

The Hon. R.I. LUCAS (Treasurer) (16:20): I rise on behalf of government members to indicate support for the motion, but in doing so acknowledge that I am advised the Speaker in another place this morning indicated that he had taken action, without the need for a motion, to announce the release of similar documents for House of Assembly members going back over a 10-year period.

Mr President, I acknowledge the fact that you, at the outset of question time today, indicated you had already taken action with the staff of parliament to be in readiness for the release of similar documentation in relation to Legislative Council member claims going back over a similar period (10 years) and indicated your support for the release of such documents. The actions taken by you, Mr President, and the presiding member in another place, are consistent with the position the Premier outlined this morning.

I will not take the criticism of the Labor Party, as I think the Leader of the Opposition used the conversion to transparency and accountability, given that it comes from a party that was in government for 16 years, had presiding members in both chambers for 16 years, and refused to release one single document in relation to these sorts of issues during that 16-year period.

The Liberal government for two years continued that particular convention or practice, but given the recent public scrutiny the decision has been taken to support greater transparency and accountability. We note that it is a Liberal government that has taken this particular action, after 16 years of inaction by former Labor governments.

I note in passing some comment that other members have made in this debate that this action is potentially a little unfair on former MPs. I know the Hon. Ms Franks has raised the issue about security, and I acknowledge that particular issue, but I think there are other issues too. There are long-retired members of parliament, who are probably quite grateful they are out of the public focus of parliamentary debate and the argy-bargy that sometimes goes with that, and their personal affairs may well be trawled over by the media and by others, when they have long since retired and left the parliament.

Mr President, a former predecessor of yours, the Hon. Bob Sneath, a country member, will possibly be caught up in this because he certainly lived in the country. I am not aware of whether or not he claimed the country members' allowance, but on the surface of it he would appear to have been entitled to.

Members like the Hon. Bob Sneath, who I think retired in about 2012—so he has been long gone and is probably fishing and enjoying himself—may well find themselves the subject of scrutiny in relation to claims made almost a decade ago. I certainly suggest no wrongdoing, because I have no knowledge of the circumstances. I am just saying that he is a retired member and as a result of this particular focus claims that he made many years ago will be the subject of potentially close scrutiny.

The other intriguing one, given the earlier claims, is that this particular motion now will also cover one of the shining superstars of the shoppies union in South Australia, a very close friend of the Hon. Mr Maher, the Hon. Mr Bernard Finnigan, one of the many shining superstars the shoppies union has launched upon the state parliament. He was a minister of the Crown, and he was also no less than the leader of the government in the Legislative Council.

An honourable member interjecting:

The Hon. R.I. LUCAS: And he was acting police minister at the time of his arrest. He left the parliament in 2015. Again, I am not aware of the particular claims he may have made but he certainly comes from God's own country—as the Hon. Mr Maher would know—the South-East of South Australia, and he certainly had a city address, because we saw that on television, so he may well have been making claims.

I think the Hon. Ms Franks implored that the Leader of the Opposition might contact former members, and the Leader of the Opposition nodded his head furiously in agreement, so we look forward to that. He appears willing to contact not only the Hon. Bob Sneath but also his close friend the Hon. Mr Finnigan, in accordance with his agreement—by nodding—to the suggestion by the Hon. Tammy Franks. There may well be others who will be covered by this particular motion—

The Hon. I.K. Hunter interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Hunter is showing a great deal of sensitivity about one of his—

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —former colleagues, one of his very close friends, the Hon. Mr Finnigan, for whom he showed great support when he was in this chamber. We will take no criticism from the Labor Party in relation to this particular issue.

The Hon. Mr Parnell raised some questions in relation to who makes these rules, etc. I suspect that in relation to the 75 kilometres they were initially made by cabinets and governments in the long distant past, but in recent decades the rules have been made by the Remuneration Tribunal, the independent tribunal. The Hon. Parnell appeared with me on an occasion in the past, and he is aware of the independence of the Remuneration Tribunal in relation to these issues.

I think there has been some misinterpretation of some of the issues in relation to allowances, and I want to place on the record some facts that might be useful in relation to what the tribunal has actually determined. What is called the Country Members Accommodation Allowance, about which many of the more recent questions have been directed, is now called the Members Accommodation Allowance.

However, up until November 2018, when a decision was taken by the tribunal—so in the period now the subject of release of documentation, 2010 to the end of 2018—the guidelines under determination No. 13/2017, for example (the most recent one before the 2018 determination, but the preceding years are the same), says, under Country Members Accommodation Allowance:

> A member of either house of parliament:
>
> a) whose usual place of residence is more than 75 kilometres by road from the General Post Office at Adelaide (by the most direct route); and
>
> b) who is required to stay in Adelaide overnight—

which is the key criteria—

> in order to attend not only to parliamentary duties but also to the member's duty to be actively involved in community affairs and to represent and assist constituents in dealings with governmental and other public agencies and authorities,—

The key requirement in subclause (b) is 'who is required to stay in Adelaide overnight'

> shall be paid an accommodation allowance of $225 for each such night…

This was in 2017. The key elements of that particular test for the country members' accommodation allowance is that clearly they have to live more than 75 kilometres away, but if they are required, as a country member, to stay in Adelaide overnight to do certain things they are entitled to an accommodation allowance of $225—full stop. That is what it said for the first eight years of 2010 up until the end of 2018.

It raises the very pertinent issue the Hon. Mr Parnell raised, as a lawyer, that there are particular elements if you have a system that requires invoices and purchases. He quite rightly raised the issue, if you are in your own home in the city or you are purchasing your own home in the city, of

invoices and purchases, etc.—and not on a regular basis. You may well be able to demonstrate, for example, a mortgage repayment or whatever it might be, but it is different if you are staying in a motel or a hotel, which is the point raised by the Hon. Mr Parnell.

I suspect it is for those reasons that the Remuneration Tribunal, in its determinations, has basically said that the test was if you live beyond 75 kilometres and you are required to stay overnight, then you just get paid an accommodation allowance of $225. That was the test in place right through until November 2018. In November 2018, the tribunal slightly altered the test for members of parliament. In 2018, it was still called the country members' accommodation allowance. The first subsection, which related to the 75 kilometres, was exactly the same as that of the 2017 determination. Subsection (b) was changed slightly by the insertion of additional words and then read:

> b) who is required to stay in Adelaide overnight, and incurs actual expenditure, in order to attend—

and then it refers to the various jobs you have to do, parliamentary duties, etc—

> …shall be paid an accommodation allowance of $230 for each such night.

What that has inserted into it is that you will get paid an accommodation allowance, in that year, of $230 if you met two tests: one is that you were required to say in Adelaide overnight, and, secondly, you incurred actual expenditure. It does not say of what particular element or amount. It just says that there two tests: that is, you have to stay in Adelaide overnight and you incur actual expenditure, and then you are entitled to an accommodation allowance of $230 per night.

I will talk a little bit later about the work of the Auditor-General. I am sure the Auditor-General and his office will apply their attention to the actual requirements of the determination. That is the rule, that is the law, that applies to the applications by individual members for the country members' accommodation allowance. If they meet those tests—the first test up until November 2018 and then the two separate tests after November 2018—they are entitled to an accommodation allowance of whatever the sum was in those particular years.

That is the law. What then has transpired is that both houses of parliament, in slightly different ways, have produced forms for members to sign. I hasten to say that the law is the law. The forms that are produced by the Clerks cannot change the determination of the Remuneration Tribunal. It is incumbent on both houses of parliament to have correctly interpreted the law in terms of the individual claim forms that have been utilised.

The claim form that has been used in the Legislative Council, so I am advised for a period of time, very closely reflects the determination of the tribunal. There is a claim form which says:

> TO: The Clerk, Legislative Council—
>
> I hereby make a claim for a Country Members' Accommodation Allowance…

And then it lists various other clauses. It then says, 'I certify that my usual place of residence is', and then it says, 'which is more than 75 kilometres by road', which is one of the tests, 'in order to attend not only to Parliamentary duties' which is one of the other requirements. Then it says:

> …I was required to stay in Adelaide overnight, on the dates shown above and that I incurred expense in so doing.

It does not refer to any particular amount. It says, as the determination required of it: I stayed in Adelaide overnight to do certain works in relation to parliament and that I incurred expense in so doing, without referring to any particular amount. Again, as a non-lawyer, I think that very closely reflects the determination of the Remuneration Tribunal both in the pre-November 2018 determination and the post-November 2018 determination. The House of Assembly acquittal form, however, is slightly different.

The other point about the Legislative Council one is the table that members fill in evidently, and I might hasten to say to members that, even though I am originally from God's own country in the South-East, I have never been a claimant of the country members' allowance because, for all of my parliamentary career I have lived in the metropolitan area. The Legislative Council form just says 'Nights claimed at (currently) $234.00 per night'. The House of Assembly form, under the country members' accommodation allowance form part A currently has 'Claim up to $234 per night', which is different to the Legislative Council claim form. It then has much the same as the Legislative Council

one, and then says, in slightly different wording, 'and that I incurred the expenses claimed above in so doing'.

It is my humble submission, ultimately, to members of this chamber, but I would hope the Auditor-General and others might read the debate that is here because of the work that they are about to do, that the Legislative Council form more closely reflects the determinations of the tribunal than does the House of Assembly form. That is obviously a decision or an issue that the Auditor-General and his staff will need to address.

Finally, in relation to information for members—and it carries, in legal terms, much less weight—in my view, the law is the law, which is the determination. The application forms are informative but if they do not fairly reflect the law, then in the end it is the law that prevails, not the application forms, in my view. Then, much less significant in terms of legal effect is the handbook which is produced for members of parliament when they are first elected.

The Legislative Council handbook, I am so advised, under the country members' accommodation allowance—I would have to say, it is slightly out of date, Mr Clerk, and it might do with some updating in terms of the dollar amount because it still refers to $225 and I think it has now risen to $234, but putting that to the side—essentially says 'a member of either house of parliament', and it then reflects subclauses (a) and (b) for the determination and then says 'shall be paid an accommodation allowance of' whatever that particular sum happens to be. So I think it fairly reflects the determinations of the Legislative Council.

Interestingly, the Legislative Council handbook actually says 'a member of either house of parliament', so it is guidance. We are very generous in the Legislative Council, obviously. We are not only providing guidance to the Legislative Council members but to the House of Assembly members as well. The House of Assembly handbook is slightly different. I am not sure how often that has changed but its most recent iteration does use the words 'and incurs actual expenditure', which is closer to the determination, but a bit different to the form which is signed which says, 'I incurred the expenses claimed above in so doing'.

I think it is important to place on the record the facts in relation to claims because, whilst it is easy for words—and I heard in a debate in another place, the member for West Torrens throwing around the word 'corruption' very easily in relation to these issues—it is very easy to throw that word around in relation to particular claims, but I think it is incumbent upon members to have evidence to justify a serious claim in the parliament. I am surprised that a claim of corruption in any house of parliament can be made by way of interjection without being asked to be withdrawn, given the standing orders in relation to both the other chamber and this particular chamber.

Putting that to the side, it is so easy to throw that particular word around. It is important for members to actually understand the rules that govern the payment of these particular determinations. If any member, Labor, Liberal or Independent, offends against the determination of the Remuneration Tribunal, then responsibility for that rests on that individual member's head.

The only other point I would make is this allowance is specifically an accommodation allowance. I did see an interview by an Independent member who referred to expenses from country members which related to meals and other aspects of travel. Some allowances do incorporate meal expenditure. If you look at the determinations of the Remuneration Tribunal, there is a separate allowance for other members, not the country members' accommodation allowance, that does refer to what is referred to as the 'accommodation and meals allowance'. In that particular allowance the tribunal specifically incorporates claims for accommodation and meals. This particular allowance only refers to accommodation.

Honest members of parliament can have mistaken views that perhaps the accommodation allowance does cover meals, but certainly upon my reading and the fact that other allowances refer to 'accommodation and meals' and this one does not, it would appear that that might not be the case if the Auditor-General has a look at those particular claims.

It is important that members, before they start throwing accusations of corruption around, actually look at what the rules are that govern. I have been unafraid to defend the salary and conditions of members of parliament over a very long period of time, because I believe members of

parliament do an important job and it is so easy to criticise members, their salaries and their entitlements. If there are abuses or offences or mistakes, then members have to accept responsibility for those. But it is possible for members to make honest mistakes and for them to have the capacity to correct those and take whatever consequences there might be without necessarily being accused of corruption in relation to these particular issues.

I have confidence that the Auditor-General—if I can conclude by saying that the Auditor-General has had for many, many years a function to look at various accounts in terms of Parliament House in terms of claims. Twice a year, I am advised, members of the audit staff, if they so choose, can look at members of parliament country member claims and indeed some of the other claims members of parliament make as well.

I have been around long enough to recall that in the early 1990s the country member circumstances of one former Independent member of the Legislative Council were called into question, and country members and their allowances were subjected to a forensic audit by the Auditor-General, in around 1993 or 1994 at the time of that particular state election. The audit staff went through the country members' claims. I understand they may well have found one or two particular issues that needed to be corrected by individual members. That was done, but by and large they did not find systemic rorting and certainly did not find corruption in relation to country members' utilisation of the country members' allowance at that particular time.

Given that you have, as presiding member, invited the Auditor-General to ramp up, have a closer look, pay extra attention, given that he already has the function in terms of the country members' accommodation allowances, and that overnight or this morning the presiding member in another place has done exactly the same and invited the Auditor-General, and whilst no individual can dictate to the Auditor-General what he or she might do, with the exception of the Treasurer in relation to certain investigations and they are strictly defined, the Auditor-General makes his independent decisions in relation to this.

But given the fact that two presiding members of our houses of parliament have called upon him to have a closer look, I would be surprised if he did not draw the attention of his staff to have a closer look perhaps along the lines of that early to mid-1990s audit of country members' accommodation allowances that was done at that particular time.

I have confidence that the Auditor-General will not start from the view that he would assume there is corruption or rorting. He will look at the rules, he will look at the claims and he will make reasonable, fair and independent determinations as a result of his particular inquiries. With that, I place those facts on the record and indicate the government's support for the motion.

The Hon. F. PANGALLO (16:45): I acknowledge the comments that were made by the Hon. Tammy Franks in relation to privacy in these matters. I think it is quite important. I would also like to commend the Speaker in the other place and also you, Mr President, for your openness, transparency and willingness to have these documents made available, and it was done quite quickly. In my previous dealings with MPs in the past, you almost had to drag them to water to get them to reveal information. I think it has been quite refreshing that we have had both houses willing to make these documents available and going back as far as they are.

I also note that the Treasurer refers to long-past members also having to come under scrutiny. One wonders whether those long-past members will have their records and be able to remember what they did some time ago. I cannot even remember what I did five years ago. Probably from a journalistic point of view, I would say that long-past members may not be as newsworthy as those who are in the current news cycle.

The reference to 75 kilometres, I imagine that is an archaic figure that has been pulled out. When I was a youngster, 75 kilometres was a long way. In fact, when growing up we considered McLaren Vale was actually a country town, but these days it is a short skip and a hop away. Travelling to Victor Harbor was also considered a regional area. That may need to change as well.

I hope that one day, after all this, we can go further with the establishment of a code of conduct for all MPs in South Australia. It was talked about in 2014 by the then premier, Jay Weatherill. I believe they passed a motion in regard to that. That seems to have fallen by the wayside and nothing further has been progressed upon it.

I would certainly like to see both houses of parliament move in that direction and move quickly in that direction because this will give South Australians additional confidence that their elected members will uphold the high standards that are expected of them. I think that is the least we can expect from MPs and certainly what the expectations are from the community and the taxpayers.

I would hope that a code of conduct would also require the establishment of an integrity commissioner, as the Hon. Tammy Franks mentioned, to uphold the code and other matters that would impact on the performance and behaviour of MPs, so in effect actually having a police person for MPs in this place.

The Hon. Mark Parnell, I noted, pointed out the lack of information provided to members. I found this myself, actually, when I was elected to parliament, that there is no guidebook or manual that explains the requirements and complexities of this rather important job. I hope that is corrected as well.

I think accountability is important to this profession which, unfortunately, like my previous profession and that of car salesman, tends to be at the lower end of respect from the community. I hope that one day we can lift it to the standard that is expected by the community. I must say that it is gratifying to see that Labor is suddenly all altruistic about this and wanting to see more accountability and transparency. With that, I commend the motion of the honourable Leader of the Opposition to the chamber.

The Hon. K.J. MAHER (Leader of the Opposition) (16:50): I thank members for their contributions, and some important contributions. I note particularly some of the comments made by the Hon. Mark Parnell but expanded on much more by the Hon. Tammy Franks, which I guess go to some of the unintended consequences of things that we move or do here.

The disclosure of these documents will necessarily disclose an address, and I know that three members today were asked would they consent to the complete and full tabling of documents, so those three members are on the record as being comfortable with that, but there might be other members, particularly past members, who might not be.

I do not know everyone who has been entitled to this, and I certainly would not have addresses to contact them. It may be the case that the parliament, perhaps through the Clerk or the President, might have the ability to contact past members and alert them that this is to be tabled at 5pm on the next sitting day, and in the three or so weeks, if there is a compelling and legitimate reason that one of those addresses of a past member, not being someone who has agreed to it today, should not be released, we have an opportunity for that perhaps to be considered on that sitting day before it is released at 5pm according to this.

I do not think it does any credit to the Treasurer to be ascribing motives to people who are sitting here. I did nod my head when the Hon. Tammy Franks mentioned that because that is a good point. I did not nod my head, as the Treasurer would have you believe and put on *Hansard*, by agreeing that I would undertake any such action. I think that demeans the Treasurer and I think upon reflection he will probably be slightly ashamed that he trivialised such an important issue with such contributions.

I do think it gives an opportunity for officers of the parliament to make perhaps former members aware, to make aware any member other than the three who have agreed to the full disclosure during answers in question time today, and if there is a very compelling reason that an address ought not be made publicly available, we have an opportunity then to consider that as a chamber before these are publicly tabled and publicly released by 5pm on the next day of sitting, Tuesday 21 July.

Having said that, it is pleasing to see a unanimous view of this chamber that transparency and accountability is important. It did take some time for that to be arrived at by the Premier, but it is pleasing that the Premier has finally come around to that view, and I am pleased that this motion, from indications that have been given, will be passed unanimously by this chamber. With that, I commend the motion to the chamber.

Motion carried.

CITY OF MARION

The Hon. N.J. CENTOFANTI (16:53): I move:

That by-law No. 7 of the City of Marion concerning Cats (Confinement) Variation made under the Local Government Act 1999 and the Dog and Cat Management Act 1995, made on 25 February 2020 and laid on the table of this council on 24 March 2020, be disallowed.

Firstly, on behalf of the committee, we are mindful of the City of Marion's right to make by-laws for the good rule and government of the area, and for the convenience, comfort and safety of its community.

Further, the committee acknowledges that the City of Marion, by making the by-law, is seeking to address matters of community concern in respect of the management of cats in the City of Marion area that, in its view, the Dog and Cat Management Act 1995 does not. However, on careful consideration of the by-law, it is the committee's view that the by-law, and specifically paragraph 11, is inconsistent with the part 5A of the Dog and Cat Management Act 1995 because it allows for seizure, detention and destruction of cats in circumstances that are different from the provisions of part 5A of the act and thus not authorised under section 90 of the act.

The committee's consideration of the underlying law is as follows: delegated legislation 'must not conflict with or override the provisions of their enabling Act, unless the enabling Act so provides'. The question is whether the regulation in question varies or departs from the provisions of the act. In considering whether a by-law is consistent with the enabling legislation, it is important to consider the degree to which the parliament has indicated its intention to deal with the subject matter. Where an act deals specifically and in detail with the subject it cannot be supposed that parliament intended that delegated legislation should deal with the same matter in a different way.

The Local Government Act 1999 states that by-laws must accord with the provisions and general intent of the enabling act. The act also provides that a by-law made by a council must not be inconsistent with this act or another act or with the general law of the state. The committee is aware that the City of Marion considered whether paragraph 11 of the by-law was inconsistent with the Dog and Cat Management Act 1995 but concluded, contrary to advice from the Crown Solicitor's Office, that it was not. For the reasons above, the committee agrees with advice from the Crown Solicitor's Office insofar as that advice asserts that paragraph 11 of the by-law is inconsistent with part 5A of the Dog and Cat Management Act 1995.

The provisions to seize and detain a cat in this by-law, in particular paragraph 11, would not only be inconsistent with part 5A of the Dog and Cat Management Act 1995 but impractical because of the cross-council border issues that may arise in respect of the seizure and detention of cats under the council's by-law. In addition, the hours during which cats are not to wander at large are not specified in paragraph 6 of the by-law but are left to be determined by council resolution.

It is the committee's view that paragraph 6 as drafted permits the City of Marion, by resolution, to adopt a span of hours that may amount to an unreasonable burden on cat owners in the City of Marion area. For this reason, it would be more appropriate for the City of Marion to specify a span of hours in the by-law and seek a further variation by-law if the span of hours set in the by-law does not prove appropriate.

Regarding consultation, the committee notes that residents in the City of Marion were given a genuine opportunity to comment on the by-law and also accepts that residents of the City of Marion were offered an opportunity to give further comments in relation to the by-law as a whole. However, the committee was concerned that too little attention was given during the public consultation process to the more controversial parts of the by-law. For example, no survey question sought specific feedback from the community of the City of Marion in relation to paragraph 11 of the by-law.

Finally, the Dog and Cat Management Board reports to the committee that just over half of South Australia's councils have cat by-laws that include provisions placing limits on cat numbers, curfews, containment, registration, nuisance and wandering at large. None of these councils have adopted the approach taken by the City of Marion in respect of paragraph 11 of the by-law. Therefore, it is for these reasons that the committee has sought to take action to disallow the by-law. I do apologise to members but, as this by-law was gazetted such that it is due to come into effect on

12 July, it is therefore the strong will of the committee that this disallowance motion be taken to a vote in this chamber today.

Motion carried.

Bills

SUMMARY OFFENCES (CUSTODY NOTIFICATION SERVICE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 June 2020.)

The Hon. I. PNEVMATIKOS (16:59): I rise today in support of the Hon. Kyam Maher's bill and thank him for bringing this important legislation to this place. Since the death of George Floyd in May we have seen the power of protests through the Black Lives Matter movement both here and overseas. The movement has highlighted the injustices and disproportionate disadvantages people of colour face.

Last sitting week, several of us signalled the need for racial injustices faced by First Nations people to be addressed through legislation. At the Adelaide Black Lives Matter protest the speeches called out the systemic issues of racial injustice that Aboriginal and Torres Strait Islander people in this state face. We know that Aboriginal and Torres Strait Islander people make up a disproportionate amount of people in our prisons. Aboriginal people make up close to one-third of our prison population and young people up to 80 per cent of our youth detention population in South Australia. Simply, First Nations people are more likely to have contact with the justice system and are more likely to be held in custody than not.

Arguments have been flung round the media that incarceration rates are so high because Aboriginal and Torres Strait Islander people commit more crime. This argument is completely flawed. It is inadequate, misleading and offensive. The reality is that crime plays out a lot differently for Indigenous people than it does for non-Indigenous people. Racial profiling, historical injustices and a whole range of disadvantages contribute to the disproportionate incarceration of individuals. The bill is the first step in recognising that the current systems we have are not sufficient.

We know that the current voluntary model, the Aboriginal Visitors Scheme, is not working. The model was well intentioned but fails in practice. The custody notification service has proven to be a life-saving service in other jurisdictions. Not only does the service provide essential legal advice for someone in custody but it also acts as a welfare check and support mechanism. Unlike the AVS, the CNS mandates that ALRM are informed and present when an Aboriginal or Torres Strait Islander is placed in police custody.

Speakers at the Adelaide Black Lives Matter protest highlighted that without unity and solidarity we cannot overcome race inequalities in Australia. I hope that is what we are seeing with this bill. Although not all parties have taken the same route, in one form or another a custody notification service has been agreed by each side of this house. It signals the beginning of change and that the parliament is listening to the voice of community.

The Hon. T.A. FRANKS (17:02): I rise to support the second reading of this bill, put before the chamber by the Hon. Kyam Maher, for a custody notification service. I do so noting that the Greens also have a bill before the parliament for a custody notification service and, prior to that, had called on this chamber for urgent action on this matter and on all of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. That royal commission reported in 1991 and here we are, in 2020, being one of the last jurisdictions to actually legislate for a custody notification service.

What a custody notification service will provide is that, where an Aboriginal or Torres Strait Islander person is placed in custody in this state, they will receive both a welfare check—and in New South Wales it is a call that says, 'Are you okay?' or a visit that says, 'Are you okay?'—as well as legal support and advice.

We know that that was a recommendation of the royal commission because of a particular case and particular situations that were systemic that showed Aboriginal or Torres Strait Islander people placed into custody often have underlying health conditions, often face extreme anxiety and may well need an interpreter. Certainly, we know that in New South Wales, which did take up very early on the option of a custody notification service, it saved lives. In fact, following the implementation of that there was only one death in custody in this situation in New South Wales, which actually occurred only because the CNS was not followed.

A CNS has been proven statistically to save the lives of Aboriginal and Torres Strait Islander people placed in custody. In South Australia, we have not had such a service. We have had the Aboriginal Visitors Scheme, which is not enforceable, and we have also seen a significant number of deaths in custody where it is often pointed to that perhaps had a CNS been in place we would not be seeing those families grieve the loss of their loved one, we would not have seen deaths in custody, we would not be seeing cases years on awaiting their time before the Coroner's Court or, as in the case of Wayne Fella Morrison, years into a Coroner's inquest.

I noted in my speech to the Greens' bill that in the case of Wayne Fella Morrison he was not afforded access to the Aboriginal Visitors Scheme, let alone a custody notification service. We know that we do not know what happened to him. We know he had never been placed in custody before, though. We know that somehow he ended up not in the remand centre but in Yatala. As a member who served on the select committee into overcrowding in prisons, I have seen where he ended up in those first hours in custody, in the most what you would call Victorian prison environment, with everything that you would picture of the most horrific and frightening environment: cement floors, steel doors and no windows. It must have been incredibly frightening for that man to be placed in that environment.

We know that he died due to medical issues, and we also know a range of really concerning things: that the corrections officers refused to cooperate with the police investigation; that the corrections officers colluded in the hours after Wayne Morrison's death; that the family were not told what was going on; that the family, when they presented to the hospital, to the RAH, where he was taken, were lied to and told he was not there; that the family, particularly Latoya, sat on the steps of this parliament in the hours after her brother's death, grieving and mourning. She is still, so many years later, without answers as to what happened in those hours that her brother was taken into custody, having never been in custody before, and in the very short days that followed: how he ends up on life support, unresponsive, covered in bruises, in the Royal Adelaide Hospital and then dies.

I cannot fathom the information that was provided to us by Cheryl from the ALRM, and also Change the Record, in the briefing that the Hon. Kyam Maher presented and provided to members of this place: that there have been some eight deaths in custody in five years in South Australia, according to their calculations. I know that PASA is calling for a different way to calculate deaths, but I have to say if the ALRM and Change the Record are telling me that there were eight deaths in five years and I can point to at least two, probably three, where a CNS would have saved that life, then what on earth are we doing in terms of being so slow to legislate?

I will point out the hypocrisy, though, that the Weatherill government was offered funding for three years of a CNS when the Hon. Kyam Maher was a minister of the Crown and that the Weatherill government did not take up that offer. I understand that that financial offer, from previous minister Nigel Scullion but now the current federal government, is still on the table.

I understand from media reports and communications that the Marshall government will legislate for a CNS, so this bill may indeed be redundant. We will support it today, but I say that we will support the second reading because the Greens have some amendments that go to the very reason the AVS, the Aboriginal Visitor Scheme, has not worked—which is that it needs to be transparent, accountable and enforceable.

We will know that when members of what will be the custody notification service turn up to a police station they will not be told they cannot use a mobile phone to take photos of somebody's bruises, as they are currently told; they will not be told they are not allowed to enter the police station due to COVID, as they are currently told; they will not be denied access to where a particular person in custody currently is in the system because they have been moved several times, as currently occurs; and they will have the power, should any of those things occur, should their work be stymied

or stifled by the system, to ensure that those who take the person into custody and who deny that access to the custody notification service will face penalties.

As citizens we have rights and responsibilities, and we afford those who place people in custody, in detention, in this state significant rights and responsibilities. They have significant power over people's lives, and they should be accountable—and when we make them accountable there should be penalties, because lives are on the line.

In the last few hours I have received lots of messages, and I have to commend the work of Black Lives Matter because it was largely the impetus of that rally and the worldwide movement that has finally seen the royal commission's recommendations put back on the table for discussion. We know that the Closing the Gap updated report will soon continue that momentum, and we know there is another rally on 4 July. The numbers may not be as strong in the streets, but I hope the political will continues.

As Latoya Rule posted on her Facebook page in the last half-hour, her grief will not be erased, her brother will not be brought back. She posted a salient point:

> Do governments make apologies when they implement services like the CNS into South Australia for the lives that were lost due to their inaction in previous years or will they be celebrated for their 'achievements' #longoverdue

I am so sorry that we failed that family and so many other families who have had a death in custody in our state because we did not implement the recommendations of the royal commission.

This is one lifesaving measure that must be implemented. I hope the government gets on and does it quickly, and I hope that this parliament today passes a piece of legislation that has enforceability and accountability.

The Hon. F. PANGALLO (17:13): I rise to indicate SA-Best support for the Summary Offences (Custody Notification Service) Amendment Bill. My colleague the Hon. Connie Bonaros and I thank the Hon. Kyam Maher for his persistence in progressing this bill, the timing of which could not be more relevant.

Australia's appalling record on Aboriginal deaths in custody was the driving force behind the well-attended protests recently held in all Australian cities to march in solidarity with the global Black Lives Matter movement. They highlighted that some 30 years on from the final report of the Royal Commission into Aboriginal Deaths in Custody there have been 434 Aboriginal and Torres Strait Islander deaths in custody nationally, with South Australia recording 18 deaths in custody in that time.

Nationally, approximately one-third of these deaths occurred in police custody while two-thirds of the deaths occurred in prison—and remember that more than half of all Indigenous people who have died in custody since 2008 have not been convicted of a crime.

Unsurprisingly, the royal commission found Aboriginal people in custody do not die at a greater rate than non-Aboriginal people in custody. In fact, the mortality rate of Aboriginal people in custody since the royal commission handed down its report has halved. What is overwhelmingly different for Aboriginal people which contributes to these unacceptable statistics is the rate at which Aboriginal people come into custody, compared with the rate of the general community.

Although Aboriginal people make up a very small 3 per cent of the general community, their representation in the adult prison population of approximately 30 per cent is disproportionately high and growing. In South Australia, Indigenous people are still about 31.7 times more likely to die in custody than non-Aboriginal people. Even more alarming is the startling fact that 80 per cent of prisoners in youth detention are Aboriginal children

Sadly, time in juvie is seen by many Aboriginal kids as inevitable. This is a shocking indictment on all our criminal justice, policing, child protection, family and youth support, corrections, vocational and education systems, which are supposed to exist to support these children before they get to this point. Of huge concern is the fastest growing prison population is Aboriginal women. As the Uluru Statement from the Heart noted, and the Hon. Kyam Maher quoted in his second reading speech:

> Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

The Guardian newspaper's ongoing analysis of Aboriginal deaths in custody has revealed that:

- agencies such as police watch houses, prisons and hospitals failed to follow all of their own procedures in 41 per cent of cases where Indigenous people died;
- the proportion of Indigenous deaths where medical care was required at some point but not given was 38 per cent;
- mental health or cognitive impairment was a factor in 42 per cent of all deaths in custody;
- Indigenous people with a diagnosed mental health condition or cognitive impairment such as a brain injury or foetal alcohol syndrome disorder received the care they needed in just 51 per cent of cases; and
- Indigenous women were less likely to have received all appropriate medical care prior to their death compared with men, and authorities were less likely to have followed all their own procedures in cases where an Indigenous woman died in custody.

These are appalling statistics and frankly, rattling them off as numbers of breaches of police and corrections procedures, instances of the denial of the most basic medical and mental health treatment and care, to Aboriginal people in custody, is sickening. It is sickening because this data—these bare statistics—record the deaths of real people: loved fathers, mothers, sons and daughters, partners and friends. The numbers alone risk desensitising us to the lived realities of those 18 people who died in custody in South Australia and the families who are left to mourn them.

These family members endlessly torture themselves, asking the unanswered question of how this could this could possibly have happened, in a custodial setting that was supposed to be safe and secure—an institution that owed that person detained a duty of care. Family members like Latoya Rule, who is anxiously awaiting the Coroner's report into the death in custody in 2016 of her loved and cherished brother Wayne 'Fella' Morrison.

Mr Morrison was on remand awaiting a bail hearing. He had been restrained with handcuffs, ankle Flexicuffs and a spit hood. He was placed face down in the rear of a prison van with eight prison officers accompanying him from the prison's holding cells. Mr Morrison died in hospital three days after being pulled unresponsive from the van at Yatala Labour Prison.

Mr Morrison's family has had to endure four years of unrelenting trauma, including a Supreme Court challenge to the Deputy Coroner conducting the inquest into their son and brother's death. Then, as if to add insult to injury, the Supreme Court found that seven corrections officers cannot be compelled to answer questions asked in the Coroner's inquest. While Latoya is justifiably concerned about the length of time the process is taking, her biggest hope is that key questions about her brother's death are answered and all necessary action is taken to prevent it happening again.

So what has gone so badly wrong for so long to bring about the need for this bill? Thirty years ago, in 1991, the Royal Commission into Aboriginal Deaths in Custody recommended police should notify Aboriginal Legal Services whenever they take an Aboriginal person into custody. Those recommendations in that report are 223, 224 and 243. In particular, recommendation 224 provided:

> …in jurisdictions where legislation, standing orders or instructions do not already so provide, appropriate steps be taken to make it mandatory for Aboriginal Legal Services to be notified upon the arrest or detention of any Aboriginal person other than such arrests or detentions for which it is agreed between the Aboriginal Legal Services and the Police Services that notification is not required.

Again, as I noted, these are the recommendations 223, 224 and 243 in that commission's report. All jurisdictions have reported that they have some form of custody notification arrangements in place; however, New South Wales and the ACT are the only jurisdictions that have legislation that explicitly requires notification when an Aboriginal person comes into custody.

The commonwealth provided funding of $1.8 million to New South Wales and the ACT from 2015-16 to 2018-19 to implement a 24-hour telephone legal advice service for Aboriginal people

taken into custody by the police. The federal minister for Indigenous affairs at the time, Senator the Hon. Nigel Scullion, offered South Australia three years of funding to support the establishment of a custody notification system to reduce the likelihood of future Aboriginal and Torres Strait Islander deaths in custody. This was conditional on the states and territories introducing legislation to mandate the use of the custody notification system and the agreement of jurisdictions to take on funding responsibility at the end of the initial three-year period.

Note that it was not satisfactory for the states to merely have regulations in place, as the Attorney-General today has so cynically announced she would do. Regulations are not legislation and regulations do not attract the federal funding. They can also be changed relatively easily, giving no certainty that a custody notification service will continue.

Like most members in this place, myself and my colleague the Hon. Connie Bonaros were astonished to learn that South Australia has SAPOL general orders of arrest only and the custody notification service that was in place in South Australia has never been legislated and therefore ceased to attract federal funding.

This is significant funding that South Australia has missed out on simply because we did not legislate. We could have had the service in place continuously since 2015-16. We could have saved a death in custody. This bill is a positive step in trying to address the disproportionately high rates of incarceration of Aboriginal people, to try to prevent deaths in custody, but also the entire negative experience of being accused of an offence, apprehended and then deprived of your liberty and freedoms.

If an Aboriginal Legal Rights Movement lawyer or a liaison officer is alerted to a person in custody, they can immediately respond and ensure their client is treated in accordance with the law by police, corrections, courts, medical and mental health officers. This is much broader than ensuring the detained person is provided with legal advice, as essential as that is, at the earliest opportunity. Contact with the ALRM can also be to ensure their client has access to their family and can put arrangements in place for child care, medication, glasses, phone calls, toiletries and other necessities.

If an ALRM officer is alerted to the custody immediately, then experience tells us there is less risk that the person's legal and human rights will be abused or breached. There is a lessened risk of dying in custody, which is what everyone wants. For this reason, we prefer that custody notifications be by the way of a person-to-person phone call and not a message bank, not an answering service or a fax or email that may be missed at a critical time. We would also like to see backup for the ALRM in areas in which it does not have a permanent presence, like the APY lands, Whyalla, Port Lincoln, Coober Pedy and Ceduna. Perhaps the Legal Services Commission duty officer network could assist ALRM in some of these areas.

I am pleased this bill broadens the scope of apprehension and includes children and youth in a wider range of detention settings to make sure all Aboriginal people of any age are covered by the effect of this bill. However, we are deeply saddened to know that these protections are necessary for children as young as 10, who are sometimes in custody for lack of a bail address or anywhere else to go.

There is ample evidence criminalising children does not reduce future offending behaviour. We have a lot more work to do, for example, in relation to the age of criminal responsibility, the laws of doli incapax. We have a lot more work to do in relation to preventing reoffending, providing rehabilitation, counselling, mental wellbeing and health supports and treatments, housing and employment, all of which are prerequisites for staying out of detention and functioning well after detention.

I note the South Australian 10by20 initiative to reduce recidivism by 10 per cent by 2020 and wonder if they have reached that target. Certainly, the last report we have been able to find contained no statistical data. We would like to receive an update about the evaluation of 10by20. The responsible minister may be able to update us on that initiative. We have a lot more work to do to address the more difficult and complex systemic and structural issues that contribute to incarceration rates and hence deaths in custody.

The royal commission made a number of recommendations to address two centuries of dispossession, discrimination, disadvantage and racism that have contributed to the current situation. A 2018 Deloitte review of the implementation of the commission's recommendation, undertaken for the federal government, found that, while the rate at which Indigenous people have died in custody has halved in the 27 years since the royal commission handed down its final report, the rate of incarceration has doubled.

Recommendations aimed at breaking the cycle of imprisonment and diverting people away from prison had the lowest rates of implementation nationally, yet we have wonderful examples of Nunga Court, family conferences, family mediation councils and restorative justice programs here and interstate that are proven to be effective in reducing incarceration and recidivism. Why do we not invest in these more instead of the blunt instrument of traditional courts?

Of the 339 royal commission recommendations, 64 per cent were fully implemented, 14 per cent were mostly implemented, 16 per cent were partly implemented and 6 per cent were not implemented at all. Only 55 per cent of recommendations designed to keep people out of prison by using gaol as the last resort have been implemented, such as non-custodial sentencing and diversionary programs. As Senator Pat Dodson in the federal parliament commented recently:

> Thirty years have passed, and we have not addressed the underlying issues that give rise to people being taken into custody and, consequently, dying in custody.

With only two of the seven national Closing the Gap targets being met, we are not optimistic about current efforts at state and federal levels delivering the change needed. The new Closing the Gap targets are rumoured to contain justice targets, but we will watch that very slow-moving space with interest.

The bill currently before us is, by contrast, a positive and proactive step. It is an enhanced version of an earlier bill and broadens the scope of apprehensions to include those made with or without a warrant, taking in all those who come into police detention. It also broadens the scope of prescribed officers to include the manager of a youth detention or training centre to make sure all Aboriginal people, regardless of their age, are covered by the effect of the bill. These are welcome improvements.

We note that there are amendments filed by the Hon. Kyam Maher and the Hon. Tammy Franks. We support the improved reporting and transparency intended by both sets of amendments. However, we do not support one element of the Greens' amendment to criminalise a breach of this legislation beyond the sanctions in the bill and those already applicable.

We do, however, welcome a future discussion about the under-reporting of police complaints by Aboriginal people, the reasons for that and possible reforms to the police complaints handling systems, particularly for Aboriginal people and especially for Aboriginal people for whom English is a second language. With those words, I conclude my comments and commend the bill to the Legislative Council.

The Hon. R.I. LUCAS (Treasurer) (17:30): The Royal Commission into Aboriginal Deaths in Custody reported in 1991 that the deaths it investigated were not the product of deliberate violence or brutality by police or prison officers. Acknowledging this, the Attorney-General has this week announced that the government is implementing a mandatory custody notification service across South Australia, ensuring our laws enshrine a requirement of police to notify the Aboriginal Legal Rights Movement of any arrest or detention of an Aboriginal person. This was a recommendation of the 1991 royal commission not taken up by previous governments and is an important step in South Australia beyond the visitors scheme we currently offer.

I note the Attorney-General, in a press release dated Wednesday 1 July, under the heading of 'Custody Notification Service to be established in SA', has publicly committed that the state government will move to implement a custody notification service in South Australia in a step towards reducing Aboriginal deaths in custody. The press release states:

> A Custody Notification System would legally require SAPOL to notify South Australia's Aboriginal Legal Service, the Aboriginal Legal Rights Movement, when an Aboriginal person enters custody.

'While we have had similar arrangements in place between SAPOL and the Aboriginal Legal Rights Movement for quite some time, there have never been any formalised legislative measures', Attorney-General, Vicki Chapman said.

'Establishing a CNS in South Australia will help to ensure that Aboriginal people receive culturally appropriate wellbeing support and basic legal advice as soon as possible after being taken into custody.

'This will also bring us in line with other jurisdictions around the country who have legislated for these measures.'

The new regulations will require SAPOL to notify the Aboriginal Legal Rights Movement by telephone as soon as an Aboriginal person has been delivered into police custody.

Whilst noting the Hon. Mr Pangallo's comments about regulations, I am advised that the Western Australian government has implemented a similar scheme through the use of regulations instead of legislation, similar to what is being proposed by the South Australian government and the Attorney-General. I note also that the Western Australian government is currently a Western Australian Labor government.

A custody notification system is a 24-hour, seven days a week contact service available to Aboriginal people who have been detained in custody. The CNS provides culturally appropriate health and wellbeing support and basic legal advice. While South Australia does not currently have a CNS, the government provides annual funding towards the Aboriginal Visitors Scheme delivered by the Aboriginal Legal Rights Movement. The Aboriginal Visitors Scheme is an after-hours only visiting service providing support to Aboriginal people detained in custody.

As mentioned, in 1991 the Royal Commission into Aboriginal Deaths in Custody recommended the establishment of a CNS in all jurisdictions to make it mandatory for an Aboriginal legal service to be notified upon the arrest or detention of any Aboriginal person, other than such arrests or detentions for which it is agreed between the ALS and the police services that notification is not required.

The goal of a CNS is to end preventable Aboriginal deaths in custody. Until relatively recently, New South Wales was the only jurisdiction with a legislatively mandated CNS. However, Victoria, Western Australia and the Northern Territory have all legislated to make use of the CNS mandatory in their respective jurisdictions. The commonwealth government has previously offered to fund a CNS for all jurisdictions for an initial three-year period. I am advised that the three-year funding offer was offered to the former Labor government in 2016. However, it was not taken up.

The Attorney-General notes specifically that this was a government in which the Hon. Kyam Maher MLC sat in the cabinet. Since that time, another offer has been made to this government in June this year which this government has taken up, in contrast to the refusal by the former Labor government in 2016.

The Attorney-General thanks the Hon. Ken Wyatt MP for his work in this space nationally. The Attorney-General is now working with the commonwealth and the ALRM to finalise the funding agreement and the expanded role of the ALRM, particularly to include both cultural and legal assistance to Aboriginal persons taken into custody. As such, the government will not be supporting this bill as the CNS has already been committed to.

I note that the Hon. Mr Pangallo I think made reference to the fact that if this was to be done by regulations, that in some way the South Australian government would not be able to access federal funding. Certainly, the briefing notes that I have been provided with would seem to indicate that is not correct, and that the Attorney-General, even though she proposes to introduce the scheme via regulation, is negotiating with the commonwealth to take up the funding agreement offer.

The Attorney-General would like to note on the record the work of the Hon. Tammy Franks MLC who had also introduced a bill to implement a CNS. The Attorney-General says that she was pleased to work with the Hon. Ms Franks on the regulations to implement this momentous scheme in South Australia.

The Hon. K.J. MAHER (Leader of the Opposition) (17:36): I thank members for their contributions and particularly the indications of support for the bill. I just want to expand on a point that the Hon. Tammy Franks made and made well: governments of all persuasions, parliaments and

all of their members have all too often collectively failed Aboriginal people. That does not mean individual members of goodwill and intention are not making a difference, but collectively for a couple of centuries Aboriginal people have been failed by those who make the laws in this country and in this state.

I did not intend to be at all political as this is too important to make political points. However, I will say I am somewhat astonished that on the very day that this comes to a vote in this chamber we see the government issuing a press release to introduce a CNS. The press release does not talk about either legislation or regulation. We are led to understand from the contributions made today and the media reporting today that there will be regulation to put this CNS that the government is proposing into force.

I agree with the Hon. Frank Pangallo in his contribution: legislation is better, legislation cannot be changed as easily, legislation carries a greater weight. The government has had two years if they had so chosen to do something about a custody notification scheme and, as I said, we have an announcement on the very day it is to be voted on in here.

Yes, I do accept that all governments should have done more in terms of implementing the recommendations into Aboriginal deaths in custody. All governments since 1991, should have done more, but that does not mean that we should not do what we can and we should not make the scheme as effective as we can when we have that opportunity.

With those words, I commend the bill to this chamber, I look forward to its passage, and I look forward to the government considering this bill rather than regulation where we have no idea what it covers. We do not know, for instance, whether regulation covers children and young people in detention. We do not know what the enforceability of the regulations are.

It is substandard to put out a press release and it is telling that the main contribution by the government to this debate is to read out a press release on this topic. It is not good enough. We have failed in the past and we need to do better, and I think this bill is a step in that direction.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: I just want to put on the record, in terms of the conversations I have had with the government, and also note something that was skipped a little: WA has legislated this in recent months by regulation and when I spoke to my bill on this matter I noted that mental health detention and the broader scope of detention was able to be accommodated because of that approach. Certainly, when I was giving drafting instructions to Parliamentary Counsel under our laws I was not able to accommodate that approach. There are some flexibilities but certainly we want some guarantees out of government today, and I look forward to the debate.

I am very disappointed, however, that people have not seen the value in ensuring that this is enforceable. I draw attention to the fact that should this process not be followed we know that lives will be lost. We also know that traditionally there have not been great relationships between the police and Aboriginal people in incarceration, and they are incarcerated at extraordinarily high numbers and that accountability through enforceability is key to changing that culture and that approach and saving lives. With that, I look forward to the rest of the debate.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–1]—

Page 3, lines 24 to 33 [clause 3, inserted section 76C(6)]—Delete subsection (6) and substitute:

(6) A prescribed custodial officer who, without reasonable excuse, contravenes or fails to comply with a requirement under this section is guilty of an offence.

Maximum penalty: $2,500 or imprisonment for 6 months.

This ensures that a prescribed custodial officer who, without reasonable excuse, contravenes or fails to comply with a requirement under this section is guilty of an offence, and the maximum penalty there is either imprisonment for six months or a fine of some $2,500.

I do so noting that this is not an extraordinary clause. We expect those who place people in custody in this state to comply with the law, and when they do not comply with the law legal cases can fall over. For example, where police do not follow due process with covert operations, cases can be thrown out of court.

What we are talking about here, of course, are people who have been marginalised, victimised and treated without due respect for their rights for centuries. We are changing a culture here in saying that as a parliament we take this matter seriously and that if you do not follow this life-saving process, as we expect people to be informed of their rights and to be able to have legal representation through our court system, we are saying with this amendment that if you do not take this process seriously, yes, you might face imprisonment but you might also face a $2,500 fine.

We know that currently there is a lack of transparency with the policing of this state due to possibly unanticipated peculiarities of the ICAC legislation. I can watch the news in any other state or territory in Australia where I can see police officers called to account on the nightly news for contravening what we expect police officers to do in the course of their duty. I know they have very difficult jobs and I know that they deserve our support, and we give them extraordinary powers, but with those extraordinary powers also comes some level of real accountability. We know that people have died because a CNS has not been employed. A $2,500 fine or a real penalty is not too much to ask after centuries of injustice.

The Hon. K.J. MAHER: I rise to speak on the amendment put forward by the Hon. Tammy Franks and commend the honourable member for moving the amendment. We think we should make a very strong statement that this has to be abided by—in the strongest possible terms. We do not disagree with the sentiment the Hon. Tammy Franks is putting forward.

The basic difference between what the opposition bill proposes and what the Hon. Tammy Franks is putting forward is: what is the sanction if the custody notification service scheme is not followed? The opposition has in our bill that disciplinary proceedings can be instituted; the Hon. Tammy Franks has in her amendment that proceedings for an offence can be instituted. While we agree we should be sending the strongest possible message, the concern we have is how that operates when you take into account section 65 of the Police Act.

Section 65(1) of the Police Act, in the section entitled 'Protection from liability for members of SA Police', states:

A member of SA Police does not incur any civil or criminal liability for an honest act or omission in the exercise or discharge, or the purported exercise or discharge, of a power, function or duty conferred or imposed by or under this Act or any other Act or law.

It further goes on, in subsection (4), to make it clear:

Where a question arises as to whether the immunity conferred by subsection (1)…the burden of proving that the act or omission was dishonest lies on the party seeking to establish the personal liability of the member.

So whilst we agree with the idea of what is being put forward, we think it would be a perverse outcome that in passing that amendment we see those who might not abide by the scheme not being able to be prosecuted because of the functions in section 65 of the Police Act.

We think having disciplinary proceedings means that people are more likely to be held to account. There is no immunity from disciplinary proceedings in the Police Act as there is immunity from incurring any civil or criminal liability. That is why we have drafted the bill as such, with the sanction being disciplinary proceedings.

We do not think it should be those who are seeking to have sanctions imposed having to prove that the police officer, in this case, was acting dishonestly; the burden of proof lies with those

trying to prove that actions were not followed. We prefer, as we have drafted, to make sure that there is a sanction rather than having a part of the bill conferring a penalty for an offence which, while it does send a very strong signal, is, by virtue of the operation of section 65 of the Police Act, highly unlikely to ever result in that sanction being imposed.

The Hon. F. PANGALLO: While acknowledging the Hon. Tammy Franks' intent in this, I rise to say that SA-Best will not be supporting this amendment.

Amendment negatived.

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

Amendment No 1 [Maher–1]—

Page 3, after line 39 [clause 3, inserted section 79C(9)]—Insert:

custodial police station has the same meaning as in section 78;

designated police facility has the same meaning as in section 78;

I am not wedded to whether this amendment succeeds or whether the Hon. Tammy Franks' amendment succeeds. After all, this was one of the differences in the bills that were put forward by the Hon. Tammy Franks and the opposition. There were—

The PRESIDENT: The Hon. Mr Maher, amendment No. 1 [Maher-1] is:

…Insert:

custodial police station has the same meaning as in section 78…

The Hon. K.J. MAHER: Sorry.

The PRESIDENT: I think you are speaking to the wrong one.

The Hon. K.J. MAHER: I am speaking to the wrong amendment. This amendment, amendment No. 1 [Maher–1], is an amendment that was picked up in the drafting and is necessary to give effect to what we are asking to do in the bill.

Amendment carried.

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

Amendment No 2 [Maher–1]—

Page 4, after line 6—Insert:

79D—Certain information to be included in annual report of Commissioner

(1) The following information must be included in each annual report of the Commissioner under the *Police Act 1998*:

(a) the number of notifications made to the ALRM under section 79C during the year to which the annual report relates;

(b) the number of Aboriginal or Torres Strait Islander persons held at custodial police stations or designated police facilities during the year to which the annual report relates;

(c) the number of matters dealt with in accordance with section 79C(6)(a) during the year to which the annual report relates, and information setting out the nature of each such matter;

(d) any other information requested by the Minister.

(2) Nothing in this section limits the matters relating to the detention of Aboriginal and Torres Strait Islander persons that may be included in an annual report.

I might continue on with the remarks that I had started to make previously. In relation to this amendment, there were a few differences—not major, but a few differences—in the bills that the Hon. Tammy Franks and the opposition put forward. In terms of the differences that were in the opposition's bill, we had a difference in that our bill sought to ensure that it applied to children and young people in detention. Our bill also sought to ensure that if a person was arrested with police

acting on a warrant to arrest, this scheme would also apply. It was not clear either in the earlier version of the bill that the opposition had put before this parliament or in the Greens' bill.

The other differences were two extra parts in the Greens' bill that were not in the opposition's bill. One of them was the difference that we discussed with the Hon. Tammy Franks' first amendment, that is, the sanctions for not following the scheme. I have outlined why the opposition thought it better to have a disciplinary proceeding that could be readily enforced rather than an offence that might not be enforced because of the operation of section 65 of the Police Act.

The other part of it that we agree with, that we think is a good idea, is a reporting mechanism. We borrowed from what the Hon. Tammy Franks had put forward in her bill and moved that as an amendment of our own. I think the only difference is one extra line in the amendment that we moved. This is an abundance of caution drafting issue that made it clear that any other matter, not just those that were prescribed in the reporting, could also be in that annual report.

As I have said, I am not wedded to having our amendment get up if the Hon. Tammy Franks wishes to move hers. Given that it was the Hon. Tammy Franks' idea to put it in her bill, I am happy. As I have outlined, we thank the Hon. Tammy Franks and we think this is a good idea. We have talked a lot about openness and transparency in the way governments do things today and this ensures that in the operation of this scheme.

The Hon. T.A. FRANKS: For the sake of the record, the Greens are very happy to support this amendment. It is no surprise, given we had something similar in our bill in terms of ensuring accountability and reporting. I would note, though, that the bill that the Greens put forward, we were advised, did cover youth and children in the drafting of it as it was put, because under the Summary Offences Act the definitions, we were informed by parliamentary counsel, cover children and youth.

The CHAIR: The Hon. Ms Franks, are you going to move your amendment?

The Hon. T.A. FRANKS: No, I do not need to move an amendment, given mine does the same thing. Certainly, I would like to get on with legislating for a custody notification service.

The Hon. F. PANGALLO: We will support the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Leader of the Opposition) (17:54): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FUEL WATCH BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 June 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:55): I rise to speak on this bill on behalf of the opposition, and indicate that we will be supporting this legislation. This bill seeks to establish a system under which fuel retailers must publish a price that remains in place for 24 hours. Motorists would then be able to find the best deal in their area or along their transport route. The bill also includes provisions for the Essential Services Commission to undertake investigations into fuel pricing. Using both of its key provisions, it supports competition and a more effective marketplace that aims to benefit consumers.

The people of South Australia have waited far too long for this issue to be addressed. Two years and four months ago the people of South Australia were promised action at the state election, and nothing has been delivered by this government. This is the sad history.

At the 2018 state election Labor, the then Liberal opposition and SA-Best all promised real-time fuel pricing. In opposition the member for Gibson, the Hon. Corey Wingard, said that the Liberal Party was looking at options of publishing petrol prices to put downward pressure on prices. He said:

> South Australians are paying some of the highest household bills in the nation and need greater state government support—

and—

> Easing the cost of living pressures will be a major focus of the Marshall Liberal government, if we are elected in March next year.

Following the election the Attorney-General, the Hon. Vickie Chapman, promised that the state government was committed to immediate reform. At the end of March, on 28 March 2018, the Attorney-General was quoted in *The Advertiser* as saying:

> …the state government is working through the legislative changes required to implement real-time fuel pricing information.

That was March 2018. As with many comments from our Attorney-General, one needs to be incredibly careful about relying upon them. We cannot be sure if the Attorney-General was just saying what she thought the public wanted to hear or was just saying something to kick the can along the road.

Regardless, more than 20 months after that comment the Premier himself completely undercut the Deputy Premier. On 19 December 2019 the Premier was criticised on FIVEaa radio for backing away from the commitment on real-time petrol pricing. The Premier said there was:

> …plenty of evidence around the world that by providing the data it can be used to game the market and actually increase the prices for consumers.

After 20 months of promising action, allegedly working on legislation, the Premier then suddenly claimed that such a scheme might be bad for consumers. Worse, the Premier seems to think it is a good idea for the public to have information hidden from them.

We travel along and then, on 18 December last year, immediately before being criticised on radio, the Premier referred the matter of petrol pricing to the South Australian Productivity Commission. A report was completed in March this year, but the conclusion has a surprising quote from the Productivity Commissioner. He said:

> The commission was asked to investigate potential models for improving the transparency of fuel prices in SA and improving information available to motorists when buying fuel. It was not asked for recommendations.

The Productivity Commissioner says that the Productivity Commission was not asked for recommendations.

It is a great irony that the Attorney-General, when debating this legislation in the other place, referred to the recommendations from the Productivity Commission which the commission stated they were not asked for. The Attorney-General did this to argue why this particular bill should not be supported and why the parliament should support the government's alternative bill.

It is not enough to say that the government sat on their hands on petrol pricing; they have misrepresented their very own reports. When criticised for going silent on the issue, the Attorney-General tried to criticise Labor. She said:

> From time to time, they come out and bleat, 'Oh, it has taken the Liberals so long to actually get on with this,' or, 'They should be hurrying this along.' If this was the hare and the tortoise, let me tell you, we are the hare.

For the benefit of the Attorney-General and the government, in the fable of *The Tortoise and the Hare*, the tortoise wins because the hare falls asleep halfway through the race. We completely agree with the Attorney-General: the government and the Attorney-General are the hare in that fable. They have stopped midway through the job and have done nothing whatsoever.

After doing nothing for nearly two years, the Premier then demanded that the Productivity Commission do as little as possible. At the conclusion of the Productivity Commission's report, the commission goes on to say:

The Commission was not asked to develop a business case or to address detailed design matters, which would of course affect the costs of implementation.

It is damning that after doing nothing for two years, the Premier then demanded something from the Productivity Commission: to do as little as possible and not to recommend anything. It beggars belief that this is how this saga has gone on. After two years, in which the government was allegedly working on legislation that the Premier then said could be bad for consumers, we now find that the government's alternative proposal is to make regulations that will support a trial which, very tellingly and conveniently, will not end until after the next election.

This is why the opposition supports the bill brought into this place by the crossbench. The government have gone slow even after they made an election promise, despite having the whole of the Public Service to help them deliver it. In the interim, the crossbench undertook research and consultation to develop their model.

The RAA's submission to the Productivity Commission report on this matter refers to analysis by the Australian Competition and Consumer Commission that Adelaide motorists—not South Australia as a whole, but Adelaide motorists—could be saving $30 million to $75 million per year from a fuel pricing scheme. Because of this government's very deliberate delays, Adelaide motorists—just Adelaide motorists, let alone the whole of South Australia—may be more than $150 million out of pocket over those two years. This is another reason to act now.

When it comes to fuel pricing, this government has not done what they said they were going to do. They have contradicted themselves over and over again. Ultimately, it was only when an Independent member of parliament—and I pay tribute to the Independent members of parliament, particularly the member for Florey, who introduced this bill, and the member for Frome—for putting this firmly on the agenda. It was only due to their actions that the government sought to address the matter.

Again, that was after two years of complete inaction and pretending they were working on legislation. Towards the end, the Premier was saying that it might actually be bad for consumers. They obtained a Productivity Commission report which did not ask for recommendations or a model. It was only once our hardworking Independents in the lower house put forward a model, as put forward in this place by SA-Best, that the government decided to try to take a shortcut and get there first.

We have seen this with the bill we have just debated. On the day the previous bill we debated came to this chamber, the government put out a press release saying that they were going to do something about it. The government has form in doing this. We support this bill. Without debating the other bill, we think both bills have merit. There is merit in both schemes, but I have to say that we are not going to wait for the government to come forward with their scheme and to get a scheme up and running. They have had two years of inaction at a cost of $150 million to Adelaide motorists, and more if you include the whole of South Australia.

The good people of Port Pirie are paying far too much for petrol. This bill could address that. The good people of Mount Gambier are paying far too much for petrol. This bill could address that. The good people of Adelaide are paying up $150 million more than they should have for the two years of complete government inaction. The Labor Party is not going to stand in the way of either bill. Something needs to be done; it needs to be done now. We thoroughly commend the bill that is before the chamber now and I indicate that we will be very strongly supporting it.

The Hon. T.A. FRANKS (18:05): I rise on behalf the Greens to support this bill and I do commend the work of the crossbenchers, SA-Best's the Hon. Frank Pangallo, and indeed, in the other place, the member for Florey for her sterling efforts. Given that we are in the time of the dinner break and that has taken a long time to come before the parliament, I simply indicate that the Greens do support the bill. We prefer the government's bill. We understand that the government bill has now passed the other place. If this is truly the time where we have resorted into Aesop's fables and tortoises and hares, we look forward to the hare or the tortoise actually running its race and we could be passing this legislation through both houses of parliament tomorrow.

The Greens indicate that we are willing—given we have already long debated this matter and given all sides of parliament seem to agree that we need to fix this—to support this bill tonight

to continue the race, but we look forward to the government bill, which will be with us shortly. We look forward to legislation being passed by the end of the week no matter who has their name on that piece of legislation at the end of the day.

The Hon. R.I. LUCAS (Treasurer) (18:06): On behalf of the government, I indicate the government will be opposing the Fuel Watch Bill. Last night, the government's own model or bill, the Fair Trading (Fuel Pricing Information) Amendment Bill, passed the House of Assembly. Mr President, I am advised that sitting on your desk is the message from the House of Assembly, which we will note and I will introduce, time willing tonight, the second reading for the government's bill in this particular house this evening before we get up.

I follow the statements from the Hon. Ms Franks and the broad indication from the Hon. Mr Maher that, whilst we would not normally do this tomorrow, the government remains open that if all members, including the Labor Party, do not oppose it being considered tomorrow—and the Hon. Ms Franks has indicated that she is prepared to consider it and I look directly at the Hon. Mr Pangallo and see he is nodding, so he is prepared to do it tomorrow—then we will proceed with it.

As long as the Labor Party is prepared to consider it tomorrow, the government's model can be considered tomorrow and voted upon in terms of getting something up and going. Given the government is opposing this particular bill, even if it were to pass this chamber, it will not be passed by the House of Assembly. The other bill has the opportunity to be passed by both houses of parliament by the end of the session tomorrow and then it can be in the process of being implemented. For anyone who is therefore wanting a fuel pricing information bill, there will be a model that will pass both houses of parliament.

The government bill allows for a real-time fuel pricing system to be established in the regulations. Draft regulations have been circulated to the opposition and crossbench to provide further insight into the details of the scheme intended to be implemented if the government's bill passes the council. The government's bill is the model found by the Productivity Commission to meet the most policy objectives of such schemes designed to increase transparency of fuel prices and to enable customers to make informed choices when purchasing fuel.

It has helped consumers find savings in New South Wales, Queensland and the Northern Territory. It is the model the RAA has called on the parliament to implement. The Hon. Mr Pangallo's bill largely mirrors the member for Florey's amendments to the government's bill, which were debated and defeated in the House of Assembly. The Fuel Watch scheme advanced has only been used in Western Australia and, in the approximately 20 years it has been in use, no other jurisdiction has seen fit to follow it.

The Productivity Commission estimated that Fuel Watch would impose higher compliance regulatory costs on retailers than the Fuel Check model. Additionally, this bill seeks to impose reporting requirements on fuel wholesalers. It is a concern that an increase in compliance costs in two points of the supply chain could lead to a negative impact on prices for consumers. The estimated net benefit of this proposal is unclear.

Western Australia has a seven-day pricing cycle, where Monday is regularly the cheapest day. There is no evidence to suggest that the implementation of Fuel Watch will lead to the fuel pricing cycle here dropping to this level of predictability and certainty. There are many factors that influence fuel pricing cycles beyond regulatory arrangements. The Attorney-General's office has facilitated a briefing for the Hon. Mr Pangallo with the Productivity Commission. Notwithstanding this and their findings, and in addition to the RAA's advocacy, the Hon. Mr Pangallo—as is his right—believes that his fuel watch bill is a better policy model to implement.

The government also expresses concerns about other aspects of this particular bill that are distinct to the policy model chosen. Some of the government's concerns are as follows:

- firstly, that some of the functions delegated to the commissioner are more properly the function of the ACCC and beyond CBS's remit and expertise;

- secondly, the inclusion of wholesale fuel prices is in the scheme, which was not considered by the Productivity Commission or has been taken up by any other jurisdiction;
- thirdly, the power to refer retail fuel prices to the Essential Services Commission without any consultation with ESCOSA or any idea how or what may be achieved by such a referral; and
- fourthly, the capacity for the Treasurer to create a fuel subsidy scheme without any consultation I might know with the government. This is clearly a proposal the government is not rushing to adopt.

In conclusion, it is the government's view that there is a proven policy model that is being called for by relevant stakeholders, such as the RAA. It is found to be the most effective model by the Productivity Commission, it has been implemented or versions of it have been implemented in New South Wales, Queensland and the Northern Territory, and it is now ready to be voted upon by the Legislative Council in the next 24 hours should the majority of members agree to that.

For those reasons, the government is not supporting this particular bill, and if it was to pass it will not be progressed in the House of Assembly. The government will be calling to a vote—as soon as members are prepared to vote on it—the government's bill, where the second reading will be given for that bill before we rise tonight.

The Hon. F. PANGALLO (18:12): I thank all the members for their contribution on this bill and I thank the member for Florey, Frances Bedford, and her adviser Matt Loader for their sterling work in pulling together this bill; not only pulling together this bill but getting some action from the Attorney-General in the Marshall government. I know that late last night the rival bill by the Attorney-General was passed in the House of Assembly, just. I will make further comment on its content when the bill finds its way into this place. Suffice to say, I do not believe it will deliver the level of benefits that this bill will to long-suffering consumers in this state.

The time has come to end all the guesswork and frustration of not knowing when the price of fuel is going to drop and by how much. All the shock of seeing a sudden, almost inexplicable jump, particularly in times when the prices of crude have been at record lows and of unpredictable price cycles in some cases could go on for weeks. What this bill would do is give certainty to drivers about the prices of fuel with 24 hours' notice. It also builds in safeguards that would be a disincentive for retailers to blatantly price gouge or for collusion by referral to the appropriate agency like ESCOSA and the Commissioner for Consumer Affairs.

It is not designed to affect the price of fuel but to give consumers adequate knowledge of when to buy and where. It is based on the Western Australian model, which has worked very successfully for nearly 20 years, delivering a lower fuel price in the price cycle. Drivers in Perth know when they can fill up, with ample time to do so.

I did speak with the Productivity Commission this week. They were of the view the savings reported by the Western Australians were perhaps overstated. The Western Australians dispute that. They also did not have a view or recommendation on which of the two proposals before the parliament was better. They say that it is for the parliament to decide, but they do note that both options would deliver $3 million to $8 million in benefits to consumers each year. The RAA, which I have also spoken to this week, also do not seem to be fussed which one gets up as long as motorists get a better deal with real-time pricing.

The Attorney-General's version follows the Queensland model, which actually has been a failure, contrary to the claims made here. For instance, for the last 45 days or more, they have recorded the highest average fuel price for any capital city. Consumers can save more than $300 a year with this bill, including those in the regions. The government can take wraparounds, I gather, if theirs gets up, boasting their bill and saying that that is a relief and promoting road trips to other getaways.

Just briefly in response to some timing issues that have been raised, the lodgement times in the bill are based directly on the Western Australian scheme that has operated for nearly 20 years without protest or issues. Retailers and wholesalers in the Fuel Watch area, metropolitan Adelaide

and other gazetted areas, must lodge their time for the next day at 2pm. The price then applies if the retailer is open before 6am until midnight, or otherwise for 24 hours. This caters for fuel stations that are open on a 24-hour basis.

If there is concern, it could be moved to make it midnight to midnight for all petrol stations. The South Australian Productivity Commission has indicated that the cost of administration is the same as the cost of administration of the scheme proposed by the government. Referral to ESCOSA is a discretionary power available to the Commissioner for Consumer Affairs. It does not require additional permanent funding and the costs of an investigation inquiry could be factored into the existing budget of ESCOSA. Should there be any evidence of price collusion or market manipulation, then ESCOSA would conduct a proper inquiry.

The value of this referral power is as much in the threat of intervention as in the actuality of it, with clear evidence of price collusion in a market that retailers themselves have described as oligopolistic. The ability to intervene on prices is an important tool for regulators. The alternative would be to rely on the ACCC, an interstate national authority with only limited on-ground capacity in South Australia to monitor and intervene in petrol markets.

The amendment originated with Mr Brock, but he decided not to proceed with it in the lower house. It can be removed from the bill in the committee stage, and I am prepared to do this. The provision has been added to provide additional incentive for fuel retailers to comply with legislative requirements.

In the case of fuel pricing, in relation to the matter going before the courts, it is based on similar provisions in other laws which allow courts to impose compensation or to otherwise recover commercial benefits that have been obtained from noncompliance. With that, I commend the bill to the Legislative Council and move for it to be read a second time.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 11 passed.

Clause 12.

The Hon. F. PANGALLO: I will oppose this clause.

The CHAIR: I will put that clause 12 stand as printed, so you will vote no, the Hon. Mr Pangallo.

The Hon. T.A. FRANKS: Chair, I did not get that amendment until quite late and I was actually wondering what the reasoning for it was, given it is the mover of the bill opposing his own clause.

The Hon. F. PANGALLO: I will explain that. Clause 12 is in relation to a fuel subsidy scheme: 'the Treasurer may establish a scheme to subsidise retail sales of fuel in parts of the state'. This clause would have allowed the Treasurer to establish a scheme to subsidise retail sales of fuel in parts of the state where fuel cannot otherwise be sold at a reasonable cost to consumers. We do not think that that is actually workable and I am pretty sure that the Treasurer would stridently oppose that, so I am willing to oppose it.

The Hon. R.I. Lucas: Shouldn't have been allowed.

The CHAIR: Do you wish to speak, Treasurer?

The Hon. R.I. LUCAS: I do, but only on a matter of technicality. If this particular provision is being removed, I am not sure how this bill was not deemed to be a money bill by the council and therefore ineligible to be moved in the Legislative Council. Mr Chair, I will leave that with you and the Clerk and you may well provide advice at a subsequent occasion as to whether this bill was a money bill, because it was seeking to incorporate a subsidy scheme paid for by the taxpayers of South Australia—unknown quantums of money, I assume.

If it is seeking to appropriate funding for a fuel subsidy scheme—what is that phrase? If it looks like a duck, walks like a duck and quacks like a duck, it is probably a duck. It sounds like it might be a money bill. Anyway, it is here and it may well be too late to deem it to be ineligible or null and void. At some stage, I would not mind a ruling from you, Mr Chair, based on advice from the Clerk.

The CHAIR: The advice from the Clerk is that it was a money clause, not a money bill. It is being removed, so no question could be put on that clause. If it were deemed essential to the bill, it would be up to the assembly. I will put the question that clause 12 stand as printed.

Clause negatived.

Remaining clauses (13 to 16) and title passed.

Bill reported without amendment.

Third Reading

The Hon. F. PANGALLO (18:25): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

Introduction and First Reading

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

WAITE TRUST (VESTING OF LAND) BILL

Introduction and First Reading

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

FAIR TRADING (FUEL PRICING INFORMATION) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. R.I. LUCAS (Treasurer) (18:28): 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.

The Fair Trading (Fuel Pricing Information) Amendment Bill 2020 seeks to introduce a scheme for real time fuel pricing for greater price transparency. The government committed to investigate the feasibility of introducing a mandatory fuel price disclosure scheme in SA to increase fuel price transparency for consumers.

In the face of conflicting evidence, the Premier referred this matter to the Productivity Commission for its specific economic and competition policy expertise. The commission was asked to investigate and report on policy models that would enable consumers to make more informed choices when purchasing fuel. The commission delivered its report on 18 March. Relevant factors considered by the commission included the net benefits of the policy models used in other states, the current South Australian regulatory environment and the cost effectiveness of the models.

The commission set itself four tests that needed to be met to justify government intervention in the market:

1. the scheme must improve the scope, quantity and integrity of fuel price information available to consumers;
2. be taken up by consumers;
3. be acted on by consumers; and
4. provide benefits to consumers that exceed the costs of regulation to retails and to government.

The Productivity Commission considered two policy models for government intervention against the assessable criteria (in addition to the status quo*).* These models were the compilation and publication of real time fuel pricing information (commonly known as Fuel Check) or the reporting and fixing of fuel prices for 24 hours (commonly known as Fuel Watch).

Whilst the Productivity Commission did not make formal recommendations, its analysis of these policy models greatly assisted the government and we have proceeded with the model that best met those policy objectives. The report has been considered and I advise the house, that the bill will allow the implementation of a fuel price monitoring scheme consistent with the Fuel Check model. This is the model that the RM has been calling for and which delivered net benefits to consumers in New South Wales, Queensland and the NT.

The fuel pricing information scheme will require retailers to report prices, which will be made available to consumers to make informed choices about their purchases. The details of the scheme will be set out in regulation, which we will be consulting on and have been provided to members. Specifically, we will seek feedback from industry and individual retailers in relation to the practical implementation of the policy model.

I would like to stress that the evidence regarding fuel pricing schemes impact on pricing averages remains inconclusive. The aim of this scheme is rather to increase fuel price transparency overall and to provide more accurate and reliable information to consumers to better inform them when purchasing fuel. By providing consumers with a better understanding of the fuel price cycle, it will create a greater opportunity for consumers to take advantage of the lowest point of the cycle and in turn benefit from potential savings.

Subject to the bill's passage through parliament, we will undertake a procurement process to engage a third party data aggregator to collect fuel price information from retailers and a data matching service to help verify price information. Private app developers will be able to access this data via an API free of charge, consistent with the model implemented in Queensland.

To assist with compliance and enforcement, Queensland also contracts with another provider who can access fuel card data. This data shows the price paid in real time transactions. The Queensland government pays for this organisation to match this against the prices provided to the data aggregator. A report is then provided to the government outlining any price mismatches that require investigation. A similar approach will be taken here in South Australia to assist compliance and enforcement activities undertaken by Consumer and Business Services. This scheme will run initially for a two-year trial period to ensure its stated benefits are met. I commend the bill to the council.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal and the measure would commence on assent.

Part 2—Amendment of Fair Trading Act 1987

3—Insertion of Part 6B

This clause inserts a new Part 6B allowing for the establishment, by regulation, of a scheme for the dissemination of real-time information relating to fuel pricing by fuel retailers. The section also creates a series of offences (punishable by a maximum fine of $10,000 or an expiation fee of $315) to enforce compliance with the scheme by fuel retailers.

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

STATUTES AMENDMENT (ELECTRICITY AND GAS) (ENERGY PRODUCTIVITY) BILL

Introduction and First Reading

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

At 18:29 the council adjourned until Thursday 2 July 2020 at 14:15.