

LEGISLATIVE COUNCIL**Tuesday, 30 March 2021**

The PRESIDENT (Hon. J.S.L. Dawkins) took the chair at 14:15 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.

*Bills***CORONERS (INQUESTS AND PRIVILEGE) AMENDMENT BILL***Assent*

His Excellency the Governor assented to the bill.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the President—

Auditor-General Report—Consolidated Financial Report review, Report No. 7 of 2021

Auditor-General Report—State finances and related matters, Report No. 8 of 2021

By the Treasurer (Hon. R.I. Lucas)—

Regulations under Acts—

Criminal Law Consolidation Act 1935—General—Appropriate Form of Custody

Land and Business (Sale and Conveyancing) Act 1994—Sale and Conveyancing—

Planning, Development and Infrastructure

Local Government Act 1999—General—Differentiating Factors

Planning, Development and Infrastructure Act 2016—

General—Site Contamination

Planning and Development Fund (No 5)

Primary Industry Funding Schemes Act 1998—Eyre Peninsula Grain Growers Rail

Fund

By the Minister for Human Services (Hon. J.M.A. Lensink)—

Report by the Department for Environment and Water on the Review of the Water Industry Act 2012

By the Minister for Health and Wellbeing (Hon. S.G. Wade)—

Training and Skills Commission, Report, 2020

*Ministerial Statement***EDUCATION SYSTEM REPORTS**

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:19): I table a copy of a ministerial statement on the government's response to exclusionary discipline in public schools made in another place by the Minister for Education.

*Parliamentary Procedure***ANSWERS TABLED**

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

*Question Time***NATIONBUILDER**

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): My question is to the minister responsible for the public sector regarding public sector practices. Will the minister responsible for the public sector assure the council that no data gathered through interactions with government websites, surveys, media releases or emails to government departments has been shared with the Liberal Party?

The Hon. R.I. LUCAS (Treasurer) (14:25): I am delighted to be able to report public statements made by the Premier today and also by NationBuilder. The Premier has issued a statement this morning which was unequivocal. The Marshall Liberal government has not been using state government websites to collect or track data for the Liberal Party. Reports that this has occurred are false.

I am also pleased to be able to put on the public record a statement issued by NationBuilder, which I understand has written to the ABC about various claims that the ABC have made. Part of their statement is as follows:

The core premise of the ABC's article is that state government links are redirecting users to a domain operated by the South Australian Liberal Party and supported by NationBuilder enabling the collection of user data. This is untrue. The links that were identified are not redirecting any users to NationBuilder's platform. The URL in question was generated by Mimecast, a website analytics company used by the South Australian government.

I interpose that the ABC, through one of its senior journalists, was claiming that Mimecast was a platform that was being used by the Liberal Party. NationBuilder has made that clear and that's also supported by the Premier, as I understand it. Just to continue with the statement from NationBuilder:

No data is being collected or retained by NationBuilder when users click on these links.

The confected outrage from several members opposite, in particular the member for West Torrens, that this was the biggest political scandal in the state's history—given his experience with Gillman, which was the subject of an ICAC inquiry, and his and his government's experience with Oakden and various other scandals, which may well be entitled to be considered as political scandals, the worst political scandals in the state's history—these clear rebuttals from both NationBuilder and the Premier make it clear that the premise of the original allegations was untrue and incorrect.

NATIONBUILDER

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): My question is to the minister responsible for the public sector regarding public sector practices. Will the minister rule out the possibility that data gathered through surveys or emails with government departments has been shared with the Liberal Party?

The Hon. R.I. LUCAS (Treasurer) (14:27): I have already put on the public record the clear and unequivocal denials from the Premier and related denials by NationBuilder. If the Leader of the Opposition wants to get into the area of governments of which he was a member and the use of material in relation to email addresses of public servants during the 2010 and 2014 election campaigns by the then Premier, I am very happy to place on the record again statements I have made in this house previously about the practices of the former Labor government, of which he was a senior member, in relation to the use of databases of public servants that were accessed by the former Labor government.

As to some of the current practices of the Australian Labor Party in relation to the collection of petitions, I am happy to get the detail of that as well and, at an opportune time, place that on the public record in relation to some of the devices and schemes that the Australian Labor Party is currently using in relation to collecting petitions, names and data harvesting.

NATIONBUILDER

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Supplementary: for the sake of clarity, can the minister responsible for the public sector rule out the possibility that data collected through surveys or emails by the government or government departments is being shared with the Liberal Party? Yes or no?

The Hon. R.I. LUCAS (Treasurer) (14:29): I can't be any clearer than the unequivocal denials that I've already read onto the public record by the Premier and NationBuilder.

Members interjecting:

The PRESIDENT: Order! Third question.

NATIONBUILDER

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): I seek leave to make a brief statement before asking the minister responsible for the public sector a question regarding public sector practices.

The PRESIDENT: A brief explanation, I believe you are probably asking for. Is leave granted?

Leave granted.

The Hon. K.J. MAHER: The minister responsible for the public sector has repeated comments attributed to NationBuilder but didn't go on to quote NationBuilder as saying, quote:

As the Premier of South Australia Stephen Marshall and the South Australian Liberal Party have explained, they use NationBuilder's tools for campaigning, fundraising, email and data management.

My question to the minister responsible for the public sector is: in addition to media releases, what other state government's websites use embedded links from state Liberal leader or NationBuilder or other external Liberal Party websites?

The Hon. R.I. LUCAS (Treasurer) (14:30): As I understand from public statements, NationBuilder is used by political parties across the globe both—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —Labor—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and Liberal.

Members interjecting:

The PRESIDENT: The Hon. Mr Hood has the call—

Members interjecting:

The PRESIDENT: —and will be heard in silence!

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hood.

SINGLE TOUCH PAYROLL

The Hon. D.G.E. HOOD (14:31): My question is to the Treasurer. Will the Treasurer update the chamber on the latest Single Touch Payroll figures released today?

The Hon. R.I. LUCAS (Treasurer) (14:31): I must admit, Mr President, when I'm in the Myer food court mixing with the real people they are much more interested in jobs—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and economic growth in this state—

Members interjecting:

The PRESIDENT: Order, on both sides!

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke is out of order!

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —rather than NationBuilder—

The PRESIDENT: Order! The Treasurer will proceed and will be heard in silence.

The Hon. R.I. LUCAS: —Mimecast and obscure issues such as data harvesting. I am delighted to be able to—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Mr President, I am delighted—

Members interjecting:

The PRESIDENT: Order! The Treasurer will proceed.

The Hon. R.I. LUCAS: I am delighted to be able to indicate to the chamber—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter is out of order.

The Hon. R.P. Wortley interjecting:

The PRESIDENT: And the Hon. Mr Wortley.

The Hon. R.I. LUCAS: —and my very good friends at the Myer food court that the Labour Force Single Touch Payroll figures have been released today to give us the latest up-to-date Labour Force data for the latest fortnight ending 13 March, so just over two weeks ago. I am sure all members in this chamber will be delighted to see that South Australia, in terms of growth in jobs numbers since the worst of the pandemic—let's put it that way—on 18 April last year, the low point in terms of jobs number to this most recent figure, 13 March, there has been 11.7 per cent growth in jobs in South Australia, the highest of all of the states and territories in the nation, only rivalled by Western Australia at 11.5, but other jurisdictions such as Victoria have 8.8 per cent and Tasmania 8.4 per cent.

For a number of months now, but certainly at least the last two or three months, South Australia's jobs growth from the trough of the pandemic in terms of job numbers in the middle of April through to the most recent figures showed the strongest jobs growth in South Australia of all the states in the nation. Even more pleasing, as I have indicated on previous occasions, are the figures in relation to employee wages, and that is the amount of dollars going into household budgets in terms of the total hours worked and therefore measured by the employee wages.

Again, as in last month, South Australia's figure there since the bottom of the pandemic on 18 April is the second strongest of all of the states, just behind Western Australia, which has the strongest wage growth numbers. South Australia's wage growth numbers at 10 per cent compare to New South Wales at just 6.6 per cent and Queensland at 7.6 per cent and Tasmania at 6.4 per cent.

South Australia's growth in employee wages, which is an important statistic and figure, is consistent with what many businesses are experiencing—not all businesses, because clearly those sectors still impacted by international travel bans, such as international education, aviation, the travel industry and therefore some parts of the tourism hospitality sector, remain impacted by international travel bans, but as we have seen the with easing of restrictions, and a further confirmation today by

the Transition Committee of a further easing of restrictions today, it will indicate for most businesses in the state again a further easing of those restrictions and a capacity for those businesses to be able to compete much closer to the conditions that they were experiencing pre-COVID, just over 12 months ago.

SHACK LEASES

The Hon. J.A. DARLEY (14:35): My question is to the Minister for Human Services, representing the Minister for Environment and Water, regarding the implementation of the government's shack policy. Can the minister advise whether the implementation of the government's election promise to provide renewable leases, and in some cases freeholding of shack sites, is still on track to be completed well before the election in March 2022?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36): I thank the honourable member for his question and acknowledge his longstanding interest in this important policy area. I must say that a number of parties in this chamber have supported the retention of shacks on Crown lands and in national parks as something which represents a tradition for many, particularly in regional areas.

I have outlined in this place in speeches in the past the association between, for instance, an area like Keith and the Coorong shacks, and Lucky Bay and folk from Kimba. Those were the places people have gone for generations to enjoy their holidays. It is a policy that was championed by the Hon. David Ridgway at one stage, and I acknowledge the ongoing support of the Hon. John Darley for this initiative.

There are two separate cohorts in terms of shacks, so those on Crown land are a little bit easier to assist. I have seen, just through my own email traffic, that there has been progress in relation to some of those, but I do not have the details to hand, so I will undertake to get a more detailed response for the honourable member and bring it back to the chamber.

DOMESTIC VIOLENCE

The Hon. E.S. BOURKE (14:37): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding domestic violence.

Leave granted.

The Hon. E.S. BOURKE: In September 2018, and again in July 2019, the minister issued media releases to promote the domestic violence disclosure service. The first media release said that the scheme 'aims to help people who may be at risk of domestic violence find out if their current or former partners has a history of violence or other relevant offences'. The minister said:

This scheme will help bridge the gaps for those in our community who feel they do not know where to go, and give them the tools to be able to ask for help in a safe and caring environment.

In July 2019, the minister issued another media release on this scheme. The release said:

The fact that over half the applications involved a potential disclosure to people at risk is a sobering thought, highlighting that the risk of domestic violence remains all too prevalent in our community.

Both media releases ended with a link to the official SAPOL website, which is www.police.sa.gov.au/your-safety/dvds. Both of these links to the official police website have been hijacked with diversions to external Liberal websites. Victims of domestic violence so often live in fear of their personal information becoming known and placing them at risk of stalking, injury or death. The minister's own media release highlighted the risk and the vulnerability of those who access this scheme. My questions to the minister are:

1. How can the minister highlight the risk and vulnerability of those accessing the domestic violence disclosure service while encouraging them to click on links that divert them to external Liberal Party websites, where their confidential information may have been breached?

2. What exactly is safe and caring, to use their minister's own words, about using click bait on people at risk of domestic violence?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): I thank the honourable member for her question and for providing me with the opportunity to talk about the Domestic Violence Disclosure Scheme, which has been an innovative development in South Australia. Indeed, this morning, I had the opportunity to meet with the board of Our Watch, which is chaired by Natasha Stott Despoja AO and has a number of highly credentialed people. We, as well as the Assistant Minister for Domestic and Family Violence Prevention, Carolyn Power, did talk about this scheme, which is one which follows on from its development in New South Wales.

The scheme has had a number of applications to it. For the period 2 October 2018 to 28 February 2021 there were 737 applications to the Domestic Violence Disclosure Scheme, 509 of which—

The Hon. E.S. Bourke: And they're all receiving emails from the Liberal Party.

The PRESIDENT: The Hon. Ms Bourke will be silent.

Members interjecting:

The PRESIDENT: The minister will continue.

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke has an opportunity—

The Hon. E.S. Bourke: The fact that this is the answer is extraordinary.

The PRESIDENT: Order! The Hon. Ms Bourke, you can't help yourself. Minister, continue.

The Hon. J.M.A. LENSINK: —509 of which were found eligible to apply for a disclosure. So that clearly is a significant number of people who have been able to access information in order to assist them to stay safe. I will repeat the words of the minister for—

The Hon. R.I. Lucas: Public sector.

The Hon. J.M.A. LENSINK: —the minister for public sector to say that these claims the Labor Party is making have been unequivocally denied—not to be true.

NATIONBUILDER

The Hon. E.S. BOURKE (14:42): Supplementary arising from the answer: can the minister rule out that there is no possibility that information of people who have gone to your department to seek help—that their information has not been passed on to the Liberal Party?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:42): This is another question where we have been asked to answer the same question that has already been responded to by the Premier. I refer the—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I refer the member to the Premier's comments and my previous answer.

NATIONBUILDER

The Hon. E.S. BOURKE (14:42): Supplementary: was the minister aware that people were being diverted to the Liberal website when clicking on the link that I highlighted earlier?

The PRESIDENT: I'm not sure that that was out of the original answer, but—

Members interjecting:

The PRESIDENT: Order! Don't let them go. The minister has the call.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43): I don't spend a lot of time on the internet checking the links in my media releases—

The Hon. R.P. Wortley: Aren't you worried about it?

The PRESIDENT: The Hon. Mr Wortley!

The Hon. J.M.A. LENSINK: —because I have lots of policy decisions to make on a number of things.

The PRESIDENT: The Hon. Jing Lee has the call.

Members interjecting:

The Hon. J.E. Hanson: The safety of people's data is not a policy issue.

The PRESIDENT: And the Hon. Jing Lee will be heard in silence, the Hon. Mr Hanson.

DOMESTIC VIOLENCE

The Hon. J.S. LEE (14:43): My question is to the Minister for Human Services regarding domestic violence, which is a topic that is of interest to all members today. Can the minister please update the council on how the Marshall Liberal government is improving safety for women and their children in the regions?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44): I thank the honourable member for her question and for her interest in this area. The safety hub concept was something which the Liberal Party was keen on extending from opposition.

We had seen the safety hubs that operated through Women's Safety Services, which has coverage of the metropolitan area, and we were keen to see whether there were opportunities to extend those safety hubs to regional areas. We opened the first one in August 2019, which is The Haven at Murray Bridge, the Berri safety hub was delivered by the Riverland Domestic Violence Service in September 2019, the hub at Gawler was opened in December 2020, and the KWW (Kornar Winmil Yunti) Port Augusta Safety Hub opened in November 2020. We have more planned and in the pipeline.

I had the great privilege of officially launching the Kornar Winmil Yunti Safety Hub this Friday just gone, in Port Augusta. I was joined by the Assistant Minister for Family and Domestic Violence, the local mayor and the federal member for Grey, Mr Rowan Ramsey. I have to say that it was the best attended opening of any of our safety hubs. It is on the site of the existing services of Kornar Winmil Yunti, which is a not-for-profit Aboriginal community controlled organisation which delivers specialist Aboriginal-centred services across South Australia.

It provides specialist knowledge and culturally appropriate services to break the cycle of domestic violence and stem the flow of Aboriginal children into the child protection system. KWW has a footprint which includes metropolitan and regional sites, and we also had attendance from a range of those other support services.

A number of them have not needed a lot of extra resources but for this site we provided some additional funding to refurbish two of their rooms, including one which provides computer access for people who need it, and a space where people can feel safe to disclose to the staff on site. There is also a van which has been provided to transport women to and from the greater Port Augusta area to the hub. It is a great new service and is very welcomed in that region. We look forward to making further announcements in relation to additional hubs as we roll them out.

KINDRED LIVING AGED CARE

The Hon. F. PANGALLO (14:47): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing, as minister for ageing, a question about the mismanagement at the Kindred Living aged-care facility in Whyalla.

Leave granted.

The Hon. F. PANGALLO: As the chamber knows, I attended the facility late last year with Mr Peter Strawbridge, the husband of a severely demented woman who lives there and who contracted Norwegian scabies, to expose the horrid living conditions in the facility. Only after a national media report, the Aged Care Quality and Safety Commission finally launched an investigation into the outbreak and found that the Kindred Living facility posed an immediate and severe risk to its residents.

Kindred Living aged care is back in the spotlight today and again for all the wrong reasons. I have been told that a 79-year-old dementia resident absconded from the facility at about 4.45pm last Thursday and was only found at about 11am yesterday, some 3½ days later, following an extensive search by police, SES volunteers and local residents. He was suffering from hypothermia and required hospital treatment. Fortunately, another aged-care tragedy was averted. My question to the minister is:

1. Are you or your office aware of the latest case of neglect at the Kindred Living aged-care facility?
2. While Kindred is funded by the federal government, do you have concerns about the safety and wellbeing of residents at the facility, given the latest incident?
3. Do you believe monitored CCTV cameras in the rooms of aged-care residents would help stop such incidents occurring?
4. Can you give us an update on the CCTV trial?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:49): I thank the Hon. Frank Pangallo for his question. I wasn't aware of the report of the gentleman absconding from Kindred Living, but I do recognise the comment the honourable member made that police, SES and other volunteers were involved in locating the person, so I would like to thank them on behalf of the community for their efforts.

Obviously, not being aware of the circumstances, I don't know whether it was a case of neglect. It is a reality that many older residents of residential aged-care facilities are prone to wander, and I would expect that the relevant authorities will investigate this incident to identify whether all appropriate measures were taken.

The honourable member, quite rightly, links this incident to the possible use of technology in terms of enhancing both safety and the quality of care in residential aged-care facilities, and I completely agree. That's why it was such a privilege for me—I think it was last Wednesday afternoon—to be at Mount Pleasant hospital and inspect the CCTV, the audiovisual technology that has been installed there to help both safeguarding and quality of care.

I think the house, particularly through the advocacy of the Hon. Frank Pangallo, is well aware of the potential benefits of audiovisual recording in aged care, but what is becoming more and more clear is that there are more and more opportunities within technological developments to provide support to older South Australians. The honourable member, by raising this particular case, invites me to speculate, because one can imagine there would be technological enhancements that a residential aged-care facility could install, either for their cohort generally or for particular residents, to enhance their safety.

For example, if you had somebody who was prone to—I shouldn't say abscond, let's just say prone to wander. They might be wandering within the facility in a way that is not consistent with their safety. They might be wandering beyond the precinct of the facility, which might even be a greater risk to their safety. The use of—it might be an audio-triggered sensor, it might be a movement sensor and the opening of a door, whatever it might be—technology that is becoming increasingly—

The Hon. I.K. Hunter: Send them a Liberal press release; you will be able to track them then.

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. S.G. WADE: I would hope that members actually would appreciate how serious it is to protect the safety and wellbeing of older South Australians, not actually an opportunity for a cheap political shot.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Wortley!

The Hon. S.G. WADE: I can assure you that the Hon. Frank Pangallo and I, and other members on this side of the chamber, look forward to every opportunity to protect the safety and wellbeing of older South Australians, in spite of the ridicule from the other side.

The PRESIDENT: The Hon. Mr Pangallo has a supplementary and will be heard in silence.

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (14:52): In response to the answer, thank you, Mr President. Can the minister provide some details of how the audiovisual facilities at Mount Pleasant are being monitored and which company is doing that?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:53): Our partner is Sturdie, as I have indicated to the house. It is using both visual and audio alerts. Speaking to both the technical team there and the nursing team there, it is producing some fascinating challenges. For example, I am told that the sensors were triggered by somebody flicking a bin liner, so the technology needs to be adjusted to make sure that we are picking up legitimate issues of concern.

I have previously detailed to the house, in terms of the relationship with the independent monitoring centre, that this is a 12-month pilot. It will be independently evaluated. I am very keen that our thinking in South Australia draws from this pilot but also draws from much wider. I have been told that there is a non-government organisation in Adelaide that is actively looking at technology to support quality of care. For example, I am told that you can have audiovisual devices that can, if you like, read the pupil of a patient and identify whether or not that person might be experiencing dehydration.

Dehydration is a significant risk in residential aged-care facilities; another one is falls. The technology being used at Mount Pleasant and at Northgate is particularly well suited to identifying a fall when it occurs. A fall which may well lead to a knock on the head and a cerebral bleed needs to be responded to. To have a set of sensors in place that give us the opportunity to respond as quickly as possible to people's care needs, I believe, will help us to continue to deliver the best quality care to older South Australians.

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

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (14:55): Is the audiovisual equipment being monitored on site by staff at Mount Pleasant or is it being done independently? Do those staff, if it is independently, have experience in aged and health care?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): As I previously advised the house, it is independently monitored off site and, as I previously indicated, these are not health professionals, as might be the case in the Care Protect model. Every model is different. This service was assessed as the best in a public tender process. It uses technology that wasn't being used by Care Protect, and we look forward very much to the outcomes from the pilot.

The PRESIDENT: Final supplementary, the Hon. Mr Pangallo.

AGED-CARE CCTV TRIAL

The Hon. F. PANGALLO (14:56): Just to be clear on it then, it's essentially a security company that is just looking at security vision, and it's not being observed by people with experience in health and aged care?

The PRESIDENT: Supplementaries should be from the original answer, but I will allow the minister to briefly respond.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56): I am not going to join the Hon. Mr Pangallo in characterisations. I've got nothing more to add to my previous answer.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.P. WORTLEY (14:56): My question is to the Assistant Minister to the Premier regarding the South Australian Multicultural and Ethnic Affairs Commission. Given that people have

come here from overseas hoping for a better life, sometimes from countries where governments spy on their citizens, why did the assistant minister call on all South Australians to contribute to a review of the South Australian Multicultural and Ethnic Affairs Commission Act in April 2019 and then provide a link that diverted them to a Liberal Party website that is being used for data harvesting?

The Hon. J.S. LEE (14:57): I thank the honourable member for his question. I am not sure what he meant by 'directed to another website of the Liberal Party for data harvesting'. Is he referring—

Members interjecting:

The PRESIDENT: Order! Let the assistant minister answer.

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. J.S. LEE: Is he referring to the legislative review of the SAMEAC Act, which was conducted by the office of multicultural affairs, is via the website of the Department of the Premier and Cabinet? I hope that he gets his facts correct.

The PRESIDENT: A supplementary, the Hon. Mr Wortley.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.P. WORTLEY (14:58): Will the assistant minister categorically deny that she was aware that any information that was given by any person to that website that was provided in regard to the Multicultural and Ethnic Affairs Commission was not directed to the Liberal party?

The Hon. J.S. LEE (14:58): I would like the honourable member to provide the exact website link in order for me to answer the question.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. K.J. MAHER (Leader of the Opposition) (14:58): Further supplementary: quite simply, will the minister rule out the possibility that information provided by South Australians—

Members interjecting:

The PRESIDENT: Order! The government benches will be quiet.

The Hon. K.J. MAHER: Will the minister categorically rule out the possibility that information provided by South Australians to a government website in multicultural affairs was using information that was passed on to the Liberal Party?

The Hon. J.S. LEE (14:59): I would like the honourable member to refer to my previous answer: please provide the exact link to the website they are referring to.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. T.J. STEPHENS (14:59): My question is to the Minister for Health and Wellbeing. Can the minister please update the chamber on recent developments in the \$50 million sustainment works at the Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I thank the honourable member for his question. I am very pleased to update the chamber on the work that the Marshall Liberal government is doing on the current Women's and Children's site while we plan for a brand-new Women's and Children's Hospital next to the Royal Adelaide Hospital.

I was delighted to attend the opening of the new Mallee Ward at the Women's and Children's Hospital last week. This is a brand-new inpatient facility for South Australian children and adolescents experiencing significant mental illness and is yet another example of the Marshall Liberal government's commitment to building what matters to the community of this state.

The Mallee Ward is managed by the Child and Adolescent Mental Health Service and replaces the former Boylan Ward at the hospital. The new facility is just one part of the government's important \$50 million upgrades to the Women's and Children's Hospital. The Mallee Ward is the only

specific psychiatric inpatient facility for children and adolescents in South Australia and features a range of new co-designed spaces that will ensure staff can continue to provide high-level support and care to young people experiencing mental distress and who are in mental crisis.

We are the party that has been committed to building a women's and a children's hospital in the same location, unlike others who think it's okay to have a standalone children's hospital, thereby stranding separately mothers who need urgent care from their newborns. We were the only ones to offer this new integrated facility to the South Australian community at the last election. In the intervening period, as we implement the new Women's and Children's Hospital, we will not neglect the services on the current site.

The Mallee Ward has a courtyard, which means consumers can access an outdoor area with a basketball ring, and it has the option of gardening, with growing and producing one's own food. The ward also makes spaces available for several therapeutic activities—

Members interjecting:

The PRESIDENT: Conversations across the chamber are unhelpful and out of order.

The Hon. S.G. WADE: —and an environment to support children and young people with their recovery. It includes a four-bed high-dependency, low-stimulus unit that can be separated from the rest of the ward and provide more acute care, if necessary. There are individual patient rooms with ensembles, consult spaces, sensory rooms, large recreation spaces as well as a staff-led kitchen and laundry.

On admission, patients will be given an e-bracelet that gives them access to their room only. Picking up on the question that we were discussing earlier with the Hon. Frank Pangallo, e-bracelets again are an example of technology being used to provide care for young South Australians.

The kitchen and the computer areas are completely lockable to block unsupervised access. The design of the Mallee Ward incorporates attention to detail to promote the care and comfort of patients, including soothing colours and natural light as well as safety features essential to a mental healthcare environment. The larger exercise space and equipment will also provide an opportunity for the activity therapist to hold group sessions.

I am advised that the first patients were admitted into the Mallee Ward yesterday. I convey my best wishes to the children and young people who will access this service and wish them all the best in their mental health recovery and wellbeing.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (15:03): Supplementary arising from the answer: minister, where can the public go to view a copy of the final business case for a new Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03): Actually, we are currently in the first quarter of 2021. This government promised to deliver a business case in the second quarter of 2021.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. E.S. BOURKE (15:03): Supplementary arising from the original answer: what is the completion date of the new Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): The Women's and Children's Hospital is currently scheduled to be completed, as I understand it, in the 2025-26 financial year.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (15:04): Supplementary arising from the original answer: will the minister undertake to release publicly the final business case that he has claimed will be released the second quarter of the year?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): So when he claims that I claimed that it would be released in the second quarter, he now wants me to say that I will release it in the second quarter. Isn't it a bit tautological?

NATIONBUILDER

The Hon. T.A. FRANKS (15:04): I seek leave to make a brief explanation before addressing a question to the minister for the public sector on the topic of redirection of data.

Leave granted.

The Hon. T.A. FRANKS: As was revealed by the ABC last night, South Australians and other residents, no doubt, of the entire country visiting South Australian government websites for information on anything from road safety to the COVID vaccine rollout are being redirected through `stateliberalleader.nationbuilder.com` via Mimecast. Indeed, this has raised concerns in the community, and rightly so. In fact, the Treasurer when in opposition stated in the debate on the Public Sector (Data Sharing) Bill back in 2016:

If a premier, with a compliant CEO in the DPC, has access to massive databases of people who have expressed views on political issues, he does not have to give it to his Reggie Martin or his party equivalent. He has that capacity, through that database, to directly provide information to all of those people on a whole variety of issues centrally as the leader of the government and as the premier.

Indeed, the Marshall government is now assuring us that no data has been collected through this redirection, but even if we accept that statement, it does sound like this data is going through Mimecast, which would require data to analyse in order for it to function as a website analytics provider. My questions to the government are:

1. How long was the Mimecast redirection through NationBuilder active for?
2. Which government websites was it applied to?
3. What will the government do in terms of its stated steps that will be taken to ensure that it would no longer occur, for the public record of this council?
4. How can South Australians be sure that the government is now telling them the truth?

The Hon. R.I. LUCAS (Treasurer) (15:07): I certainly believe that the overwhelming majority of South Australians believe the Premier and the assurances that he has given them. They have demonstrated great faith in—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —the statements—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —the Premier has made. His leadership—

Members interjecting:

The PRESIDENT: Order! Treasurer, resume your seat, please. The Hon. Tammy Franks has asked a question. The opposition need to allow her to hear the answer because I can't hear it at the moment. I call the Treasurer.

The Hon. R.I. LUCAS: As I said, the overwhelming majority of South Australians have great faith in the Premier and I know that the Hon. Ms Franks has free and frank discussions with the Premier. When he gives assurances, I am sure she takes him at his word, whether that be a private discussion or in this case a public assurance that he has given in relation to this particular issue.

I certainly believe that the overwhelming majority of South Australians, and certainly all members of the government, have absolute faith in the assurance that the Premier has given in relation to the issue. He has issued an unequivocal statement on behalf of the government in relation to the issue.

In relation to the specific questions about Mimecast, which as I said the ABC wrongly characterised as something which is being used by the Liberal Party but which has been pointed out is being used by the government, I am happy to get the details on when Mimecast was first utilised by governments and whether it's something that the current government instituted and, indeed, what did it replace under the auspices of the former Labor government.

I am happy to get the specifics of when Mimecast commenced being utilised by the government. I am happy also to get quite a detailed explanation on what Mimecast is actually used for and share all of that quite detailed and specific information—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —with members in the chamber. The government is unafraid of transparency and accountability—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and is always very happy, to the extent that we can, to answer the Hon. Ms Franks' questions, in particular that aspect of this particular question.

NATIONBUILDER

The Hon. K.J. MAHER (Leader of the Opposition) (15:09): Supplementary arising from the answer: quite simply, Treasurer, will you rule out the possibility that data collected by government departments is being used by the Liberal Party?

The Hon. R.I. LUCAS (Treasurer) (15:10): I think the Leader of the Opposition is having memory failure because that was his supplementary to his first questions, and I have answered them three times already. For the fourth time, exactly the same answer: the Premier has made an unequivocal statement and we, in the government, stand unequivocally right behind the Premier—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —in relation to his particular assurances on this particular issue.

NATIONBUILDER

The Hon. I. PNEVMATIKOS (15:10): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding COVID-19.

Leave granted.

The Hon. I. PNEVMATIKOS: In addition to ministerial media releases, multiple government COVID-19 public information web pages include hyperlinks that divert people to external Liberal Party web pages that are designed for data harvesting. These include pages linked to vaccines, restrictions, COVID-19—

Members interjecting:

The PRESIDENT: Order! The conversations between the Hon. Mr Ridgway and the Hon. Mr Wortley are out of order.

The Hon. I. PNEVMATIKOS: These include pages linked to vaccines, restrictions, COVID-19 testing, the coronavirus hotline and recruiting additional medical staff to help with the biggest crisis that our state is experiencing in living memory. My questions to the minister are:

1. Are there Liberal Party links on the government's COVID-19 public information right now?
2. Exactly how many of these Liberal Party links are embedded in COVID-19 public health information?

3. How did these links get onto official taxpayer-funded government websites?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:11): I thank the honourable member for the question. In terms of the government's COVID-19 web page, the Treasurer, as the minister for the public sector, has already clarified the situation in terms of NationBuilder. But as Minister for Health and Wellbeing, I do want to raise my serious concerns about the linking of the QR code database to this discussion.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order, Leader of the Opposition and the Hon. Mr Wortley!

Members interjecting:

The PRESIDENT: Order! The minister will be heard in silence.

The Hon. S.G. WADE: The link between this issue and QR codes was made by the ABC—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —last night when it broadcast—

The Hon. I. PNEVMATIKOS: Point of order, Mr President.

The PRESIDENT: Point of order. The minister will resume his seat.

The Hon. I. PNEVMATIKOS: I raised no question in relation to QR codes, so my issue is relevance in terms of the minister's answer.

The PRESIDENT: The member will resume her seat. There is no point of order. The minister has been answering the question in relation to the general sense, but I will ask him to return to the sense of the question as it was.

The Hon. S.G. WADE: In terms of the question that was asked, it has already been asked and answered of the minister for the Public Service. I am not responsible for the DPC.

NATIONBUILDER

The Hon. T.A. FRANKS (15:13): Supplementary: does the minister acknowledge that the ABC specifically said it did not apply to QR codes regarding the concerns that they raised on the news story last night?

Members interjecting:

The PRESIDENT: Order! No commentary from the opposition. The minister has the call.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:13): I am very concerned that we do not undermine public confidence in the QR code system by this attack by Labor to try to smear. The Premier and the Treasurer—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —as the minister for the Public Service, have made clear the situation. It is very important that we do not—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —undermine the QR code system at the height—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —of a pandemic.

NATIONBUILDER

The Hon. K.J. MAHER (Leader of the Opposition) (15:14): Supplementary in relation to the original answer given: minister, to assure the public that they can have confidence, will you rule out the possibility that data collected on government COVID websites is not being passed on to the Liberal Party?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I refer the honourable member to the minister for the Public Service's previous answer.

Members interjecting:

The PRESIDENT: The Hon. Mr Ridgway has the call and will be heard in silence.

Members interjecting:

The PRESIDENT: Order!

METROPOLITAN FIRE SERVICE FIRE TRUCKS

The Hon. D.W. RIDGWAY (15:15): Unfortunately, the members opposite—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: My question is to the Treasurer. Can the Treasurer please update the house on the delays in the purchase by the MFS of urgently needed fire trucks and maybe share the reasons why we have such delays?

The Hon. R.I. LUCAS (Treasurer) (15:15): I thank the honourable member for his question. As Treasurer and as Minister for Industrial Relations, members will be aware that there has been a very long campaign being run by the United Firefighters Union in South Australia complaining about the lack of resources and the fact that very old fire trucks and fire tankers, which I must admit we inherited after 20 years of neglect from the former Labor government, had not been replaced quickly enough to ensure a safe and effective MFS.

I know in all the discussions that I have been having with the MFS and indeed with the two ministers responsible for the MFS over the last 12 months, I have increasingly become concerned about the delays in the purchase of new fire trucks. The government had budgeted in the last year and this year for 12 new fire trucks to be employed or to be paid for and therefore to be utilised by the MFS.

The first four of those, which were ordered early last year, were arriving in and around about this month and next month, March and April. But the other eight, the best I could get after numerous requests was that we wouldn't be able to get those eight, even though we had provided funding for them last year, until at the very earliest late this year and extending into 2022. So let's be clear on that: eight fire trucks, where the funding had been provided, had been delayed and we weren't going to receive the first of them until late this year and the remainder until early next year.

I was therefore very intrigued to see in the media reports of the transcript of a conversation between senior MFS officers in the state. I just refer to a couple of paragraphs from, I think, about a four-minute conversation. One senior officer said, and I quote:

Between you and I, I spoke to Max about this, I was dead keen to go out buy some tankers...and she said 'You're actually going to undermine the union if you just go out and help the government solve their problem.'

The second senior officer laughing about that particular statement. The first senior officer then said:

And I went: 'Yep, I can see that.'

The senior representative of the United Firefighters Union in South Australia is a person by the name of Max Adlam. It is clear that these two officers were talking about a conversation they claimed that they had had with Max Adlam. That has been clearly, as it should be, the subject of a very serious

and urgent investigation by the senior officer of the Metropolitan Fire Service. The weekend media reported that one of those officers has been suspended:

...has suspended one of the senior firefighters who was recorded talking about intentionally delaying the purchase of trucks so he would not 'undermine' a union campaign for more resources.

The Advertiser understands the high-ranking officer was given an 'exclusion' letter on Friday morning.

I, on behalf of all South Australians, accept the fact that unions on occasion will campaign against the government of the day, whether it is Labor or Liberal. I think they probably relish it more when it is a Liberal government, but put that to the side for the moment. But when union bosses—for example, as claimed in this particular conversation by two senior firefighters in the MFS who are members of the UFU (that has been acknowledged and reported)—report conversations in relation to an issue like this, as I said in the media and I say again in this house, I am frankly appalled.

Subject of course to confirmation by an investigation, and I respect the fact that the senior officer of the MFS and someone else he may well utilise will conduct that investigation, if it is shown that there has been any delay along the lines that these senior firefighters have talked about, then I think all South Australians would join me in their abhorrence at the prospect that much-needed fire resources for our MFS have been delayed as a result of conscious decisions by senior firefighters within the MFS.

I do look forward to the results or outcomes of the investigation that has been instituted. I would hope that I would have the support of all members in this chamber, even members of the Australian Labor Party—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —that they would not defend the substance of what has been claimed in these particular allegations—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: All the statements I have made here I have already made outside. The transcript is up on various media outlet websites, so I am not sure what the Hon. Mr Hunter is going on about—

The PRESIDENT: The Treasurer should bring his answer to a conclusion.

The Hon. R.I. LUCAS: —and I won't respond to the honourable member's interjections out of order. I look forward to the results of the internal investigation, as I am sure will all South Australians.

STATE BUDGET

The Hon. F. PANGALLO (15:21): I seek leave to make a brief explanation before asking the Treasurer a question about the latest report on the state budget, which was tabled today.

Leave granted.

The Hon. F. PANGALLO: In the report the Auditor-General expresses concerns that significant GST writedowns and higher net debt could be at risk from any interest rate rises and could impact on the state's response to future economic challenges, and that this may lead to blowouts in large infrastructure projects, including the north-south corridor and the new Women's and Children's Hospital. The Auditor-General also raised fears for the health and wellbeing spending targets not being achieved.

My question to the Treasurer is: would an interest rate increase of 1 per cent result in projects like the Women's and Children's Hospital either being cancelled or amended, or the \$700 million sports and entertainment arena announced by the Premier last week also being scrapped?

The Hon. R.I. LUCAS (Treasurer) (15:23): No.

The PRESIDENT: The Hon. Mr Hanson. There are no supplementaries out of a no, unfortunately.

COVID-19 HEALTH ADVICE

The Hon. J.E. HANSON (15:23): I am stunned by how brief that was. I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding COVID-19.

Leave granted.

The Hon. J.E. HANSON: In April 2020, the government published a statement under the title 'Trust sa.gov.au for COVID-19 information'. It went on to say:

To keep everyone connected and informed, a statewide public information campaign has launched to promote sa.gov.au as the government's central point of COVID-19 information for the community.

Headlined 'We stand united apart', the campaign features on radio, TV, online and in newspapers and outdoor media, highlighting the state government's commitment to keep South Australians safe and strong. It states:

To coincide with the campaign, the SA.GOV.AU website has been upgraded.

For a local, reliable source of information, visit SA.GOV.AU

To those who clicked on the sa.gov.au link, they were taken to www.covid-19.sa.gov.au. At least nine pages of the covid-19.sa.gov.au web page had hyperlinks, some with more hyperlinks on that same page that diverted people via a Liberal Party website that is used for data harvesting. These pages provided details to people who were looking for information about vaccines, the coronavirus hotline and the government's efforts to recruit more health professionals, amongst many other topics. My questions to the minister are:

1. Did the so-called upgrades that were on the public health information website include adding hyperlinks that diverted members of the public via the Liberal Party website that is designed for data harvesting?

2. Exactly what health advice did the minister rely on when choosing to divert people via a Liberal Party website that is designed for data harvesting?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:26): The honourable member is referring to a website of the Department of the Premier and Cabinet, and the minister for public sector has already addressed those issues.

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (Treasurer) (15:26): I move:

That the time for bringing up the report of the committee be extended to Tuesday 24 August 2021.

Motion carried.

Bills

CRIMINAL LAW CONSOLIDATION (CAUSING DEATH BY USE OF MOTOR VEHICLE) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:27): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, I am pleased to introduce the Criminal Law Consolidation (Causing Death by Use of Motor Vehicle) Amendment Bill 2021.

The bill amends the Criminal Law Consolidation Act 1936 to impose an immediate ban on driving for those who unlawfully kill another as a result of culpably negligent, reckless or dangerous driving. It addresses a lacuna in the law in relation to persons who have been charged with or are believed to have committed an offence of causing death by dangerous driving, but have not yet been convicted of the offence.

The bill inserts new section 19AE in the Criminal Law Consolidation Act 1935 to impose a mandatory licence suspension or disqualification when a person is charged with causing death by dangerous driving. This will ensure that all offenders who are charged with an offence under section 19A(1) are not permitted to drive until the charge is finalised or the suspension or disqualification is lifted by a court.

Currently, if a person is taken into custody and charged with an offence, including an offence of causing death by dangerous driving, they are eligible to apply for release on bail. The bail authority may impose certain conditions in relation to the grant of bail, including that the person comply with any condition as to their conduct that the authority considers should apply while on bail. This might include a condition that the person refrain from driving a motor vehicle while on bail.

However, for a charge of causing death by dangerous driving the person is not always immediately arrested and charged. In some cases the investigation into the circumstances of the accident and any criminal responsibility may be more complex. Once a determination is made to charge the person under section 19A(1), the person will receive a summons to attend court to answer the charge. In these cases, the issue of bail may never arise.

The bill ensures that all persons who are charged with causing death by dangerous driving, whether or not they are arrested, will automatically have their driver's licence suspended, or if they do not have a licence, that they are disqualified from holding or obtaining a licence.

The bill also inserts new section 19AF in the Criminal Law Consolidation Act 1935. Section 19AF empowers a police officer who reasonably believes a person has committed an offence against section 19A(1) to give the person a notice imposing an immediate licence suspension or disqualification. This will involve an exercise of discretion by the police officer, and is expected to be used where the police officer is concerned about the safety of other road users, should the person continue to hold a driver's licence following the accident. This provision will ensure that police are empowered to protect road users immediately after an accident causing death takes place and where a charge is not laid immediately.

Under sections 19AE(6) and 19AF(6), a court may order the suspension or disqualification end if satisfied, on the basis of evidence given on oath on behalf of the person, that:

- (a) exceptional circumstances existing in relation to the person or the alleged offence such that it is, in all the circumstances, appropriate that an order be made; and
- (b) the person does not pose a substantial risk to other members of the public if an order is made.

This will ensure that in exceptional cases, a person can apply to the courts to have the suspension or disqualification lifted, while ensuring that community safety remains paramount.

The court must also take a suspension or disqualification imposed under section 19AE or 19AF into account when sentencing an offender for the offence or another offence arising out of the same conduct, and may backdate the suspension or disqualification accordingly.

There has been a recent campaign by the Advertiser and Sunday Mail, named the Road to Justice campaign, calling for a number of changes to the way in which offences of causing death by dangerous driving are dealt with.

This bill implements the intent of one of those proposals, namely to ban alleged killers from the roads while on bail. However, the bill also deals with circumstances in which the alleged offender is reported for an offence rather than arrested.

The Government has considered those proposals, and is not satisfied that there is a need for further changes to this area of law.

In South Australia, the offence of causing death by dangerous driving is found in section 19A(1) of the Criminal Law Consolidation Act 1936. For a first offence of causing death by dangerous driving, where the offence is a basic offence, the maximum penalty is imprisonment for 15 years and a licence disqualification for 10 years or such longer period as the court orders. The maximum penalty for an aggravated offence or any subsequent offence is imprisonment for life and licence disqualification for 10 years or such longer period as the court orders.

The Sentencing Act 2017 further provides that for certain serious offences against the person, including an offence of causing death by dangerous driving, there is a mandatory minimum non-parole period of four-fifths of the length of the sentence. This means that a court must not impose a non-parole period shorter than four-fifths of the length of the sentence unless special reasons exist, having regard a limited set of factors.

The penalties applying in South Australia are already among the most severe in the country. The disqualification period of at least 10 years is longer than any other Australian jurisdiction. In line with community

expectations, the significant penalties reflect the gravity of this type of offending, the devastating loss of life and the need to protect road users from further danger.

The government, through the Statutes Amendment (Sentencing) Act 2020 which came into operation on 2 November 2020, also reduced the discount available where a defendant pleads guilty to an offence. As a result, for an offence of causing death by dangerous driving, the maximum discount available for an early guilty plea within four weeks of the defendant's first court appearance is 25 percent.

Further, where a person is charged with causing death by dangerous driving and the offence was allegedly committed in the course of attempting to escape police pursuit, there will be a presumption against bail. That is, unless the person can show the existence of special circumstances justifying their release on bail, they will be remanded in custody pending the outcome of charges.

In addition to advocating for harsher sentencing laws, the Road to Justice campaign proposes to restrain the DPP from negotiating a plea-deal to offenders charged with causing death by dangerous driving to plead guilty to a less serious offence such as aggravated driving without due care. This proposal is misguided. It does not reflect the fact that plea-bargaining includes multiple considerations, not least being whether the more serious charge is supported by the evidence and whether or not it is in the best interests of victims and their families to be subjected to a drawn out and traumatic court process that may not result in conviction.

The campaign also calls for 'the employment of specialist victim support officers to assist families, particularly children, of people killed in road crashes during the court process'. This may indicate a lack of awareness of the services that are currently available to victims of crime and their families to overcome the effects of trauma and be supported through the criminal justice process. The Attorney-General indicated in the other place that she has spoken with the Commissioner for Victims' Rights about the apparent lack of awareness, and the commissioner has agreed to undertake further education opportunities to alert the public to what is already available.

The Attorney-General's department provides funding to the Road Trauma Support Team to provide free counselling and support for people affected by road trauma. This includes funding for accommodation services for individuals and families needing to stay in Adelaide for court or coronial proceedings, meetings with South Australia Police or to attend related medical appointments.

The Witness Assistance Service in the Office of the Director of Public Prosecutions provides liaison and support to victims and witnesses in complex prosecutions throughout the court process.

The Commissioner for Victims' Rights also provides support to victims, including by connecting victims and their families to a companion service during court proceedings, assisting with the preparation of victim impact statements, utilising discretionary funding for legal representation (if needed) and advocating on behalf of victims.

The bill addresses a limited gap in the existing statutory framework, to ensure that road users are not put at further risk following a fatal accident and before the criminal justice process has been finalised.

Mr President, I commend the bill to members and I seek leave to have the Explanation of Clauses inserted in Hansard without my reading them.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

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

4—Insertion of section 19AE and 19AF

This clause inserts new sections 19AE and 19AF into the principal Act as follows:

19AE—Automatic disqualification or suspension of driver's licence following certain charges against section 19A(1)

This section requires the Commissioner of Police to disqualify a person who does not hold a driver's licence from holding or obtaining a driver's licence, or suspend the driving licence of a person who does, on the person being charged with an offence against section 19A(1) of the principal Act involving the use of a motor vehicle. The disqualification or suspension lasts until the charge is resolved.

A court may remove the disqualification or suspension in specified circumstances.

The new section also makes procedural provision in respect of the operation of the section.

19AF—Power of police to impose immediate licence disqualification or suspension where offence against section 19A(1)

This section allows police officers to give the person a notice of immediate licence disqualification or suspension if the police officer reasonably believes that a person has committed an offence against section 19A(1) of the principal Act involving the use of a motor vehicle. This process is in effect the same as the immediate licence disqualification or suspension scheme in the *Road Traffic Act 1961* in relation to drink drivers etc. The disqualification or suspension lasts until the person is charged with the relevant offence (at which point the disqualification or suspension effected by new section 19AE will have effect) or a determination is made that the person will not be so charged. The new section also makes procedural provision in respect of the operation of the section.

The Hon. K.J. MAHER (Leader of the Opposition) (15:27): I rise to speak on this bill and indicate that I will be the lead speaker for the opposition. Section 19A of the Criminal Law Consolidation Act deals with causing death or harm by use of a motor vehicle or vessel, but this bill specifically deals with section 19A(1), which relates to causing death. The maximum penalty ranges from 15 years in prison for a basic first offence to life in prison for subsequent offences or aggravated offences. In addition, a 10-year licence disqualification may also be imposed, although the court may impose any length of ban it sees fit.

Despite these very heavy maximum penalties, a potential gap was identified where alleged offenders may continue to drive while on bail or while police were considering whether to lay charges. This bill proposes to amend the Criminal Law Consolidation Act 1935 to impose an immediate loss of licence in two circumstances: firstly, where a person is charged with causing death by dangerous driving, that is new section 19AE; and, secondly, where the police reasonably believe that a person has caused death by dangerous driving, that is new section 19AF.

Both of these new sections provide that where a person does not have a licence they are disqualified from gaining or holding a licence. Labor supports the proposal in this bill. The proposal forms one of the planks in the Road to Justice campaign, which *The Advertiser* has been running since the very start of this year.

There are a number of other parts of this that we think are worthy of support, that require non-legislative amendments; in particular, better support to victims of crime. We have seen, during the course of this government, massive funding cuts to victims of crime, and the Victim Support Service has lost nearly all of its funding thanks to the Attorney-General, the member for Bragg, Vickie Chapman. Many other programs for victims going through the justice and court processes have been cut by this government. Certainly, there are elements of the Road to Justice campaign that we think the government could easily fix by even just reversing the cuts they have made.

Be that as it may, we support this one plank of the Road to Justice campaign. I would like to in particular pay tribute to Lauren Ralph, who has been spearheading this campaign. I have had the good fortune to have had a number of communications and a meeting with Ms Ralph, who has turned what was a tragedy—the loss of a then nine-year-old sister to a dangerous driver—into something positive, and that is campaigning to increase penalties and to put in place things that mean others do not have to go through the circumstances that Ms Ralph and her family had to face. With that, I commend the bill to the chamber. I indicate that we do not have any questions or amendments in the committee stage and look forward to its speedy passage.

The Hon. R.I. LUCAS (Treasurer) (15:31): I thank the Leader of the Opposition for his indication of support for the bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (15:33): I move:

That this bill be now read a third time.

Bill read a third time and passed.

**CORRECTIONAL SERVICES (ACCOUNTABILITY AND OTHER MEASURES) AMENDMENT
BILL***Final Stages*

The House of Assembly agreed to amendments Nos 3 to 8, 10, 12 to 14 and 16 made by the Legislative Council without any amendment; disagreed to amendments Nos 1, 2, 9, 11 and 15; and made alternative amendments and consequential amendments as indicated in the following schedule:

No. 1. Clause 5, page 5, lines 11 to 14 [clause 5, inserted section 3(2)(g)(ii)]—Delete:

in relation to regional transfers where the person will be 200km or further from the correctional institution they are being transferred from.

Schedule of the amendments made by the Legislative Council to which the House of Assembly has disagreed and made (Alternative) amendments in lieu thereof:

Legislative Council's amendment:

No. 2. Clause 9, page 7, after line 33—Insert:

19A—Preliminary

For the purposes of this Division, a reference to a *correctional institution* includes a reference to—

- (a) a vehicle (including a police vehicle)—
 - (i) on the grounds of a correctional institution; or
 - (ii) used to transport prisoners to or from correctional institutions; and
- (b) a cell at a court.

House of Assembly's amendment in lieu thereof:

No. 2. Clause 9, page 7, after line 33—Insert:

19A—Preliminary

- (1) For the purposes of this Division, a reference to a *correctional institution* includes a reference to—
 - (a) a vehicle (including a police vehicle)—
 - (i) on the grounds of a correctional institution; or
 - (ii) used to transport prisoners to or from correctional institutions; and
 - (b) a cell at a court being used to accommodate a prisoner.

Legislative's Council's amendment in lieu thereof:

No. 9. Clause 9, page 9, after line 37 [clause 9, inserted section 20D]—After subsection (1) insert:

- (1a) An official visitor has power to do all things necessary or convenient to be done for or in connection with the performance of the official visitor's functions and may have free and unfettered access to a correctional institution in respect of which the visitor is appointed, prisoners in the correctional institution and vehicles used to transport those prisoners (including prisoners in, and persons whose work is concerned with, such vehicles).
- (1b) It is not necessary for any person to be given notice of an official visitor's intention to perform any of their functions.
- (1c) In connection with subsection (1)(a), an official visitor may refer a complaint concerning a particular individual to the Ombudsman or any other government agency having a function to deal with the matter but it is not a function of the official visitor to deal with the matter other than—
 - (a) to inform the complainant of the role of the official visitor; and
 - (b) to deal with the matter in the context of an inspection of a correctional institution.

House of Assembly's amendment in lieu thereof:

No. 9. Clause 9, page 9, after line 37 [clause 9, inserted section 20D]—After subsection (1) insert:

- (1a) An official visitor has power to do all things necessary or convenient to be done for or in connection with the performance of the official visitor's functions and may have free and unfettered access to a correctional institution in respect of which the visitor is appointed.

Legislative Council's amendment:

No. 11. Clause 9, page 10, lines 17 to 20 [clause 9, inserted section 20E(1)]—

Delete subsection (1) and substitute:

- (1) An official visitor may have free and unfettered access to information relevant to the exercise of the official visitor's functions in the possession of a government or non-government organisation that is involved in the provision of services relating to correctional institutions under this or any other Act.

House of Assembly's amendment in lieu thereof:

No. 11. Clause 9, page 10, lines 17 to 20 [clause 9, inserted section 20E(1)]—

Delete subsection (1) and substitute:

- (1) A government or non-government organisation that is involved in the provision of services under this or any other Act must, at an official visitor's request, provide the official visitor with free and unfettered access to information relevant to the exercise of the official visitor's functions.

Legislative Council's amendment:

No. 15. Clause 9, page 11, after line 26 [clause 9, after inserted section 20H]—Insert:

20I—Offences

- (1) A person must not hinder, resist or threaten an official visitor in the exercise of powers or functions under this Division.
Maximum penalty: \$10,000.
- (2) A person must not make a statement that the person knows to be false or misleading in a material particular to an official visitor in the provision of information under this Division.
Maximum penalty: \$10,000.
- (3) A person must not deliberately mislead or attempt to mislead an official visitor in relation to the exercise of powers or functions under this Division by the official visitor.
Maximum penalty: \$10,000.
- (4) A person must not—
- (a) prejudice, or threaten to prejudice, the safety or career of; or
 - (b) intimidate or harass, or threaten to intimidate or harass; or
 - (c) do any act that is, or is likely to be, to the detriment of,
- either of the following:
- (d) another person because the other person has provided, is providing or will or may in the future provide information to an official visitor in the exercise of powers or functions under this Division;
 - (e) an official visitor in relation to the exercise of powers or functions under this Division by the official visitor.

House of Assembly's amendment in lieu thereof:

No. 15. Clause 9, page 11, after line 26 [clause 9, after inserted section 20H]—Insert:

20I—Offences

- (1) A person must not, without reasonable excuse, hinder, resist or threaten an official visitor in the exercise of powers or functions under this Division.
Maximum penalty: \$10,000.
- (2) A person must not make a statement that the person knows to be false or misleading in a material particular to an official visitor in the provision of information under this Division.
Maximum penalty: \$10,000.

- (3) A person must not deliberately mislead or attempt to mislead an official visitor in relation to the exercise of powers or functions under this Division by the official visitor.
- Maximum penalty: \$10,000.
- (4) A person must not—
- (a) prejudice, or threaten to prejudice, the safety or career of; or
 - (b) intimidate or harass, or threaten to intimidate or harass; or
 - (c) do any act that is, or is likely to be, to the detriment of, either of the following:
 - (d) another person because the other person has provided, is providing or will or may in the future provide information to an official visitor in the exercise of powers or functions under this Division;
 - (e) an official visitor in relation to the exercise of powers or functions under this Division by the official visitor.
- Maximum penalty: \$10,000.

Consequential amendments made by the House of Assembly:

Clause 9, page 7, after line 33 Insert:

19B—Review

- (1) The Minister must, within 5 years after the commencement of this section, cause a review of the operation of this Division to be undertaken.
- (2) A report on the review must be provided to the Minister who must cause a copy of the report to be laid before each House of Parliament within 3 months after receipt of the report.

Clause 9, page 10, after line 15 [clause 9, inserted section 20D] Insert:

- (4) In exercising functions and powers under this Division, an official visitor must, so far as is reasonably practicable, ensure that those functions and powers are exercised in a manner that is not likely to—
 - (a) adversely affect the good order and security of a correctional institution or the safety of any person at, or whose work is connected with, a correctional institution; or
 - (b) adversely affect the protection from disclosure of criminal intelligence or the protection of the health, safety and welfare of a victim of an offence committed by a prisoner.

Clause 9, page 11, after line 6 [clause 9, inserted section 20E] Insert:

- (6a) In addition, information or a document is not required to be provided or produced under this section if to do so would involve the disclosure (directly or indirectly) of—
 - (a) criminal intelligence; or
 - (b) information in relation to or connected with a victim of an offence committed by a prisoner.

Consideration in committee.

The Hon. R.I. LUCAS: I understand there has been an agreement between the parties and discussions between the houses, and I propose to move a variety of positions as we move through the clauses. Just briefly, I will be moving that the Legislative Council no longer insists on amendment No. 1. There have been a number of discussions in relation to that particular issue.

We discussed the 200-kilometre zone provision at length, but as part of a compromise package some of the further amendments have been further amended in the House of Assembly, and they are suggested as further amendments in the Legislative Council. As I said, I have been advised that there is now broad agreement amongst all parties in relation to it. I am happy to respond, if need be, to individual questions. To get the ball rolling, I now move:

That the council does not insist on its amendment No. 1, to which the House of Assembly has disagreed.

Motion carried.

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

That the council does not insist on its amendments Nos 2, 9, 11 and 15, to which the House of Assembly has disagreed, and agrees to the amendments made by the House of Assembly in lieu thereof.

Motion carried.

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

That the council agrees to the consequential amendments made by the House of Assembly.

Motion carried.

STATUTES AMENDMENT (RECOMMENDATIONS OF INDEPENDENT INQUIRY INTO CHILD PROTECTION) BILL

Introduction and First Reading

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

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL

Committee Stage

In committee.

(Continued from 18 March 2021.)

Clause 27.

The Hon. R.I. LUCAS: The Hon. Ms Bourke has indicated that she has moved amendment No. 13, so I suspect we must have reported progress before I indicated the government's position on amendments Nos 13 and 14. They are linked. On amendment No. 13, I appreciate that there would be a general view that council members should not have the costs of their overseas travel met by the council without the council's explicit approval, but the government would argue that the act already safeguards this through the bounds it sets on council delegations and member allowances.

The government notes an issue that arose in 2018—presumably the basis of this amendment—where a mayor travelled overseas without the approval of the elected member body. This was investigated by the Ombudsman, who found that the mayor had committed maladministration under the current act. As I said, amendment No. 14 is consequential to this amendment and we also oppose that.

The Hon. M.C. PARNELL: When we last debated this bill, I mentioned to the committee that, from a Greens' perspective, every player would win a prize in this debate, but this is not one that the Labor Party is going to win from the Greens. We accept the position that the Treasurer has put forward, that the checks and balances included in the honourable member's amendment are in fact already covered by other requirements in the Local Government Act. Whilst we support the sentiment that members of council should not be going overseas without their council's endorsement, we do not think it is necessary to restate it again in this amendment, so we will not be supporting it.

The Hon. J.A. DARLEY: I indicate that I will not be supporting these two amendments.

The Hon. F. PANGALLO: SA-Best will be supporting the amendment.

The ACTING CHAIR (Hon. J.E. Hanson): I am reliably informed that we have only had amendment No. 13 put, not amendment No. 14, because at this stage they are not linked.

Amendment negatived.

The ACTING CHAIR (Hon. J.E. Hanson): The Hon. Ms Bourke, I am going to seek clarification from you as to whether you are going to move amendment No. 14.

The Hon. E.S. BOURKE: Amendment No. 14 is consequential, so we will not be moving it.

Clause passed.

Clauses 28 to 43 passed.

New clause 43A.

The Hon. E.S. BOURKE: I move:

Amendment No 15 [Bourke-1]—

Page 31, after line 24—Insert:

43A—Insertion of sections 79A to 79C

After section 79 insert:

79A—Publication of credit card expenditure

- (1) A council must, within 14 days after the end of each quarter, publish in a prominent location on its website the following details in relation to each credit card provided by the council for use by a member of the council:
 - (a) the name of each member entitled to use the credit card;
 - (b) a statement of any expenses of an amount of greater than \$100 for the quarter incurred using the credit card.
- (2) Any details published under subsection (1) must remain available on the website for inspection by members of the public for a period of 10 years from the date of publication.
- (3) A council must ensure that a link to the website address at which the details published under subsection (1) are available for inspection is prominently published on an Internet platform (such as social media).

79B—Publication of travel by members

- (1) A council must, within 14 days after the end of each quarter, publish in a prominent location on its website information as to the particulars (including the cost) of any travel beyond the limits of South Australia undertaken by a member of the council during the quarter that was, or will be, funded in whole or in part by the council.
- (2) Any details published under subsection (1) must remain available on the website for inspection by members of the public until 5 years has elapsed since the conclusion of the member's term of office (or, in the case of a member who serves 2 (or more) consecutive terms of office, since the conclusion of the member's final such term of office).
- (3) A council must ensure that a link to the website address at which the details published under subsection (1) are available for inspection is prominently published on an Internet platform (such as social media).
- (4) In this section—

cost of travel—

 - (a) includes accommodation costs and other costs and expenses associated with the travel; but
 - (b) does not include land based travel costs;

land based travel costs means costs attributable to transportation by road, rail or other means of transport on land.

79C—Publication of certain gifts funded by council

- (1) A council must, within 14 days after the end of each quarter, publish in a prominent location on its website information as to the particulars (including the cost) of any gift provided to a member of the council during the quarter that was, or will be, funded in whole or in part by the council.
- (2) Any details published under subsection (1) must remain available on the website for inspection by members of the public until 5 years has elapsed since the conclusion of the member's term of office (or, in the case of a member who serves 2 (or more) consecutive terms of office, since the conclusion of the member's final such term of office).

- (3) A council must ensure that a link to the website address at which the details published under subsection (1) are available for inspection is prominently published on an Internet platform (such as social media).

This amendment has been altered since it was originally filed. It has now been refined to reflect the feedback from the Local Government Association and members of our crossbench. I revised all filed amendments standing in my name to reflect this feedback by reducing the level of reporting within these amendments.

Amendment No. 15 standing in my name simply requires councils to publish quarterly and show on their website details of the following: the expenditure of council credit cards used by councillors; councillors' interstate travel, fully or partly financed by councils; and gifts to councillors, fully or partly financed by councils. Taxpayers and ratepayers have a right to know how their money is being spent, especially when it comes to credit cards, travel and gifts.

The government may have introduced this amendment bill originally with the pretext of lowering costs through rate capping, but the community has not been calling for councils to have fewer services at lower quality through rate capping. The community was interested in having a spotlight shone on how ratepayers' money was spent. This amendment reflects the community standards and community expectations that when elected officials use public money, especially when it comes to credit cards, that those expenses are available to the public.

Through investigations like that of the SA Auditor-General, Andrew Richardson, dozens of examples have been uncovered where councils did not demonstrate proper use of public money. We all know examples of this, so sensationalised and ridiculous they perhaps overshadow the good work of many dedicated local members. Stories in the media have also included ratepayers' money being used to buy Apple Watches, golf memberships, rounds of single malt whiskey and financing overseas rendezvous.

I could consume the parliament's time reading countless stories of the misuse of money through council credit cards, but instead I remind you of just a few headlines that paint this ugly picture: 'Council credit card crunch', 'We pay, you play', 'Money to burn', 'Manager bills ratepayers for late-night booze fest' and 'Splashing public cash is just part of the job'. In feedback on these Labor amendments, the LGA stated that some councils have voluntarily adopted processes of publishing credit card information. This is good news and it will enable others to follow the standards that they have set, but it needs to be a standard that is followed by all councils.

The LGA has also raised concerns about the frequency of reporting and the short time frame set out in the original Labor amendments, claiming these are unreasonable and impractical. These amendments, now in my name, address this concern by increasing the time of reporting requirements from 14 days to quarterly. Labor took this step because the intent of this amendment is too important to be overlooked by reporting requirements.

This approach purely kicks the can down the road and is irresponsible, and if we do not address this problem now we will be looking back and wishing that we had addressed it now instead of doing it through the FOI bill. If the parliament designs better proactive disclosure processes through later FOI legislation, the provisions we adapt today can be amended by the FOI bill in parliament at a later date.

Amendment No. 15, as it now stands, also takes into account concerns from the crossbenchers that there may have been mistakes where individuals accidentally used a council credit card to buy a chocolate bar. I believe our community standards expect any person with access to publicly funded credit cards should be held accountable. However, in the interests of pursuing meaningful reforms, this amendment only requires disclosures of amounts over \$100, ensuring significant expenses are still captured. This is about shining a light on how money is used and where money is used, and putting it on the public record.

The Hon. R.I. LUCAS: I am advised that the government's position is to oppose the amendment. The government notes, however, that it supports active disclosure of information that is of public interest. As the member has alluded to, we have a bill before the parliament proposing significant improvements to the Freedom of Information Act, focusing on proactive disclosure.

However, the government believes there is always a balance between proper and full disclosure and administrative burdens, which are ultimately funded by the taxpayers, or in this instance ratepayers.

In the government's view, the balance is not quite right in these particular amendments and place onerous requirements on councils. The government's view is that proper disclosure of credit cards and reimbursement amounts, travel expenses and other public interest information is best captured through existing reporting mechanisms, most notably councils' annual reports.

This can be achieved through regulation, which also has the benefit of allowing updates and improvements to information disclosure over time, rather than legislating commitments to particular technologies in the act. I also note that the latest draft of the amendments has the disclosure of credit card expenditure where it is more than \$100, and if that is to be changed it will require legislative amendment.

It is the government's view that it supports proper disclosure. I think, as the honourable member has indicated, these are now quarterly reports. The government is referring to the capacity for annual reporting, so we are just talking about four reports, as I understand it from the Hon. Ms Bourke's explanation of her amendments, and the government believes it could be done through regulation and annual reports.

As to the issue of specifically referring in amendments to levels, which at the moment may well make sense, which is \$100, it may well be that in the not-too-distant future some different sum might be required which will therefore require legislative amendment of that particular sum. We have had many examples in the past where outdated references to expenditure levels have had to be updated many years after their use-by date, if I can put it that way.

I suspect the numbers might not be with us on this particular issue but we wait with interest. The government's position is, on balance, to oppose this amendment.

The Hon. M.C. PARNELL: Amendment No. 15 in the name of the Hon. Emily Bourke inserts three new sections. The debate so far has focused on the proposed new section 79A, which is publication of credit card expenditure, but there are other amendments which have not been addressed but I think they fall into a similar category. The other amendments relate to publication of travel by members of councils and also publication of certain gifts funded by councils.

Let me say at the outset, the Greens wholeheartedly support increased disclosure and accountability by local councils. Like the state government, like the federal government, it is not their money, it is our money, and there should be appropriate disclosure. However, the Greens have looked at this very carefully and we note also submissions that we have received from the Local Government Association and, in particular, a briefing paper that they issued this month, entitled 'Mandatory reporting of information in local government'. They specifically address these amendments and amendments that go to adding to the requirement of local councils.

There are a couple of things they say which I think make sense. The first one is they say that all of the disclosure requirements would ideally be located in one place, rather than spread throughout the act, and they refer to schedule 5 of the act. The second thing they note is that the LGA has developed and refined what they call their BPM, which is the Better Practice Model—Internal Financial Controls document. That is a document that councils are increasingly adopting. According to the LGA:

Adoption of the BPM by councils had led to significantly improved financial control and reporting. It has also led to far-greater consistency between South Australia's 68 councils.

The State Government proposes to adopt the BPM, by means of a Regulation made pursuant to section 125(2) of the LG Act. This process will formalise what is largely existing practice.

I think that reflects what the Treasurer just said in relation to using regulations to achieve the level of disclosure that the Hon. Emily Bourke is seeking through her amendment. The conclusion that the Local Government Association come to in relation to this is, firstly, they do not support the amendments. They are supporting the bill as it was drafted and they say that their first preference, as an organisation, is that any new reporting obligations:

...be incorporated into an amended version of the BPM, which would then become a s132(1) financial regulation. Changes to the BPM will be developed with the assistance and expertise of local government financial

managers, which should limit the extra resources required to comply with any new obligation. The LGA requests that MLCs accept an undertaking on the Hansard record from the State Government in this regard.

I am not sure whether that undertaking on the *Hansard* record is one that has been given or whether the Treasurer is going to give it, but apparently the discussions, I am assuming, between the LGA and the government are that either an undertaking has been given or will be given that issues of the type raised by the Hon. Emily Bourke in her amendment will be addressed in this other way.

The only other thing I would say, because I want to focus on the spirit of the amendment rather than the technicality of it, is that as legislators we have to get the technical side right. There are issues, as the Treasurer has said, in relation to including limits like \$100. There is also, I think, possibly limitations in using words like 'credit card', which might not include a debit card, might not include Afterpay, might not include flashing your phone at some device that takes money out of your bank. There is a whole range of issues which make the life of a legislative drafter very difficult—similarly, publishing things in prominent locations on websites.

We know exactly what is intended by that. The honourable member's amendment means not hidden away in so many subfolders that no normal person could ever find it. That is what it is aimed at. It is a tricky legislative thing to do, to say it must be in a prominent location. Does it mean the front page? Does it mean the second page? Does it have to be something you can see without scrolling? I am really not sure how that works. I am not saying that to be difficult because I am one of those people who has advocated strongly for more information to be put online, and if it is going to be put online it should not be hidden.

I am also on the record as saying that we are over the days of newspaper advertisements at the back, with the used car ads and the massage parlours, in six point font that no-one ever looks at. They are not designed to genuinely inform the public. Similarly, people can hide things on websites. So I absolutely get where the honourable member is coming from, wanting things in a prominent location. I just think legislatively it is tricky.

The bottom line for us is, having had a number of conversations with the Local Government Association, I think they have had a wake-up call, especially after some of those incidents in previous years—Onkaparinga comes to mind, the golf club membership and various other expenditures. I think the LGA is onto it. I think the government understands too that there needs to be a level of certainty and a level of consistency about how local government goes about reporting how it is spending ratepayers' money.

At this stage, we are comfortable with the arrangements that have been put in place in relation to the Local Government Association's document I referred to, the BPM, the Better Practice Model—Internal Financial Controls document, and the undertaking that has or will be given that, through regulatory means, the sort of accountability sought through these amendments can be achieved in another way.

The Hon. R.I. LUCAS: As the Hon. Mr Parnell and I are both near our political demise, I am more and more encouraged by his willingness to consider sensible amendments to the legislation. I am happy, I am advised on behalf of the government, to indicate along the lines that he has requested, and that is the government is prepared to place on the public record its willingness to look at an appropriate regulation which would see the publication of credit card expenditure, travel by members and gifts funded by councils at least annually, I am told. I think in the first instance we are talking about annually. There would need to be consultation about the appropriate drafting of those regs.

On behalf of the government, I am advised I can give that assurance, if that gives the honourable member and indeed any other members some comfort that there is a commitment to greater transparency in terms of credit card expenditure, travel and receipt of gifts, as outlined in the substance of the Hon. Ms Bourke's amendments.

The Hon. M.C. PARNELL: On the back of that assurance, the Greens will not be supporting the amendments.

The Hon. J.A. DARLEY: In view of the assurances given by the minister, I will not be supporting this amendment.

The Hon. F. PANGALLO: Initially, we were inclined to support Labor's amendment. I thank the Hon. Emily Bourke for amending it to give it an appropriate time line. But I am heartened by what we have just heard from the Treasurer. Initially, I would have preferred that we did enshrine in legislation that there was this strident governance over credit card expenses, but given the assurance we have just received from the Treasurer we will oppose the amendment now.

New clause negatived.

Clauses 44 to 51 passed.

Clause 52.

The Hon. E.S. BOURKE: I move:

Amendment No 16 [Bourke-1]—

Page 36, after line 17—Insert:

- (1a) Section 90(7)—after paragraph (c) insert:
 - and
 - (d) the name of each member who voted on the resolution in relation to the making of the order and whether the member voted in favour of or against that resolution.
- (1b) Section 90—after subsection (7) insert:
 - (7aa) If a resolution is passed at a meeting while an order is in force under subsection (2), a note must be made in the minutes specifying—
 - (a) the fact that the resolution was passed; and
 - (b) the name of each member who voted on the resolution and whether the member voted in favour of or against that resolution.

This amendment addresses an issue that occasionally arises in council meetings when councillors decide to discuss matters in camera. The amendment will require that, if councillors vote to move to an in camera session, the name of each member who voted on the resolution to move to an in camera session be recorded and whether they voted for or against the resolution.

Whilst we understand that in camera sessions are important to protect the identity or even at times the safety of the community, we are seeking some accountability in how this process is carried out, should at a later date a scandal or conflict of interest emerge. For example, instead of placing on the public record that a councillor has a conflict of interest, I understand that at times councillors in the past have decided to reveal this information of a conflict of interest in camera.

Whilst we acknowledge the right to move in camera during these sessions, should later issues arise surrounding such a conflict of interest, it should be a matter of public record as to which councillors supported the need to move to an in camera session at that time. I note that the government's response to the Productivity Commission was structured around four key themes, one of those themes being governance, accountability and transparency. Members in this chamber should support this amendment based very much on those grounds.

The Hon. R.I. LUCAS: The government opposes this amendment. The act provides for a narrow range of prescribed matters, such as legal advice, commercial-in-confidence, security matters and so on, that can be considered and decided on by a council in confidence. By definition, details of matters considered by councils in confidence are not recorded in the minutes. It therefore makes little sense for minutes to indicate which members voted for or against an order to enter into confidence, or for or against matters considered in confidence. Firstly, minutes only record how members voted when a division is called. It makes no sense to require a division only for motions where the matter is or has been considered in confidence.

The honourable member's amendment would not enable ratepayers to determine that councils are properly discussing matters in confidence, or that members are managing their conflicts of interest properly as the ratepayers would not be able to see any details on the matter or the motion. This amendment does not solve a problem; instead, it possibly creates one. It may lead to an expectation that council members must justify why they voted one way or another, which they may

feel they can only do by referring to the matter that was discussed in confidence. This is, in itself, a breach of integrity requirements.

Of course, if any person—including other members or council employees—is of the view that a council or a member has acted improperly, they may lodge a complaint with the Ombudsman or the Office of Public Integrity. The government also notes that, once a matter is no longer subject to a confidentiality order, the minutes and associated meeting papers must be released, though this time both the details of the matter and the council's decision will be known.

The Hon. M.C. PARNELL: I think there is a pretty simple assumption that we can make in relation to this—that unless the names of members are recorded in the minutes, it was unanimous to go into confidence. The reason I say that is that already under the Local Government Act any member can call for a division in relation to anything they are not happy with in terms of a vote.

So the assumption is that if a member, or more than one member, thinks that the council should not go into a confidential session, they will call for a division and their name will be recorded. In the absence of that, I think it is a fairly reasonable assumption that everyone was happy enough to go into a confidential meeting. That is the first problem, I think, with this amendment.

The second is, and I think the Treasurer has pointed this out, the Local Government Association as well said to us that it is not clear what outcome is achieved if a council must disclose how elected members voted on confidential motions when the motion itself remains confidential. So there is not a whole lot to be gained by this amendment. If it really is contentious whether something should be heard behind closed doors, we will know, because presumably one or more members called for a division and voted against it, so it will be on the record. We do not need this amendment. The Greens will not be supporting it.

The Hon. F. PANGALLO: I support what the LGA is saying, that it just seems to be trying to achieve something that is already there and it does not need to be duplicated. I want to say that there is far too much secrecy in local government these days. Many councils use an opportunity to discuss issues behind closed doors and in that regard deny ratepayers an effective way of learning what councillors are thinking or are voting in that process. I am for transparency and for that reason I will be supporting Labor.

The Hon. J.A. DARLEY: For the record, I will not be supporting this amendment.

Amendment negated; clause passed.

Clauses 53 to 58 passed.

Clause 59.

The ACTING CHAIR (Hon. J.E. Hanson): We are at amendment No. 18. I call the Hon. Ms Bourke.

The Hon. E.S. BOURKE: This amendment has failed due to previous amendments not being successful.

Clause passed.

Clause 60 passed.

Clause 61.

The Hon. E.S. BOURKE: I move:

Amendment No 19 [Bourke-1]—

Page 39, line 24 [clause 61, inserted section 99A(1)]—After 'section' insert:

and section 99B

This amendment, along with consequential amendment No. 20, introduces new rules about the composition of remuneration of the CEO of a council and requires the publication of the employment contract signed by the CEO.

Recently, CEOs have been caught out with special perks hidden in their employment contracts that would not be in line with ratepayers' expectations. This could include things that we have mentioned already in the chamber, golf memberships, clothing allowances, expensive superannuation benefits, Apple Watches and other unreasonable expenses, especially when considering they are paid for by ratepayers.

This amendment restricts these benefits to a number of categories, including salaries and superannuation contributions, vehicles and vehicle expenses, ICT equipment and places of residence for CEOs living outside metropolitan Adelaide. The requirement to publish an employment contract will fulfil the government's key theme in its response to the Productivity Commission's report by providing governance, accountability and transparency.

This amendment increases transparency across the board. With these amendments, ratepayers will be able to compare the contracts of CEOs across various councils and determine whether they are getting value for money from their CEO. After feedback from stakeholders regarding concerns about the publication of private information, we have included an ability for councils to redact information so as to prevent the disclosure of information of where a CEO resides. We are not interested in sharing CEOs' personal details, we are simply wanting to have transparency and accountability. I call on the chamber to support this motion.

The Hon. R.I. LUCAS: I am advised that the government is opposing these amendments. My advice is that the bill includes a very significant change in relation to CEO packages and that is that, as I understand it, I think with the support of the LGA, CEO remuneration package bands will be set by an independent body for the first time, and that is the Remuneration Tribunal, with the council being able to determine the remuneration of their CEOs within those minimum/maximum bands.

I am advised that this system broadly exists in one other jurisdiction, which is Western Australia, and it is proposed that that be the system utilised here. On the surface, that would not provide the degree of specificity perhaps that this amendment is seeking; that is, knowing exactly where within the band a CEO of a particular council is placed, but it would at least place some upper—which I guess is the most interesting bit, rather than the lower—limit on what the CEO is to be paid. That is, a council would not be able to go way beyond the bounds of what might be seen by ratepayers as being reasonable for a council of its size.

I would hope that we all accept that there are some councils, given their complexity, the size of their budget, the number of employees they have and also the ratepayer base, I guess, where the CEO may well be entitled to a higher remuneration than a council that is much smaller, with a much lower ratepayer revenue base and that is much less complex, and therefore that is the reason why there will be these bands. Nevertheless, there is some flexibility within the bands in terms of what the council may well want to offer their CEO.

I am further advised that the remuneration band will be a total package, so would include a monetary calculation of all entitlements they might be offered, not just salary but may well be, I assume, superannuation and the monetary equivalent of a car package or, heaven forbid—I am not sure that we still allow golf packages.

Whatever it is in the remuneration package that is offered would be monetised, so that there would be some sort of total contract value—a TPV or the like—such as the mechanisms the Remuneration Tribunal uses for a variety of other statutory office holders but that is also used in the public sector in relation to the total entitlements that either a chief executive or a senior executive may well be paid.

For those reasons, the government, while supporting the sentiment that is encapsulated in the honourable member's question, is opposing these particular amendments because we believe there is another way of achieving, broadly, the same policy goal that the member wants through the process that I have just outlined.

The Hon. M.C. PARNELL: The Greens' approach is very similar, I think, to the government's, in that we absolutely support increased transparency and accountability in relation to the setting of total remuneration for chief executives of local councils. The model proposed in the bill

does give the job to the Remuneration Tribunal to set various bands and, as the Treasurer has said, it will take into account that some councils are big, some are small, some are city, some are country.

The Hon. Emily Bourke's amendment seeks to be more prescriptive. If I just take one example, I think country councils are well aware that they often have to provide a house for a CE to get them to take on the job, but under the amendment proposed the council effectively has to buy a house. It might be an issue of drafting, but according to the amendment the house has to be owned by the council on the day of appointment or reappointment, as the case may be, of the chief executive officer.

That might not be an appropriate tenure, the fact that the council has to buy a house for someone who might have a three-year contract, and then the next person who gets the job might be a local who already has a house and they do not need the extra house that they have bought. I just point that out as a possible overreach in terms of wanting to be prescriptive in terms of setting out the list of things that can and cannot form part of a remuneration package but in the process some unintended consequences might flow from that.

I think the Hon. Emily Bourke's intention is achieved by the government's model in the bill and in particular the role of the Remuneration Tribunal. The tribunal must have reference to regulations, so that if further prescription is required, in other words if the council starts looking at performance bonuses based on dodgy criteria, the government can actually put a stop to that through regulation. We are happy to let this new model have a chance to succeed, so the Greens will be supporting the bill as drafted and we will not be supporting the amendment.

The Hon. J.A. DARLEY: I indicate that I will not be supporting this amendment.

The Hon. F. PANGALLO: I will not be supporting the Labor amendment, although I see the intent. I think we categorised this as the 'golf club amendment'. However, the LGA is correct in its assertion that the Remuneration Tribunal is already there and set up to establish or set the CEO salary bands, and I think it would be then in appropriate hands. We will not be supporting it.

Amendment negated; clause passed.

Clause 62 passed.

Clause 63.

The Hon. E.S. BOURKE: I move:

Amendment No 21 [Bourke-1]—

Page 41, after line 2—Insert:

- (1) Section 105(1)(a)—delete 'each position held by an employee' and substitute:
the 5 highest remunerated positions held by employees of the council and any other positions held by employees who report directly to the chief executive officer
- (2) Section 105(1)(b)—delete 'those positions' and substitute:
the positions referred to in paragraph (a)
- (3) Section 105(1)(b) and (c)—delete 'or industrial agreement' wherever occurring and substitute in each case:
, industrial agreement or common law instrument
- (4) Section 105(1)(c)—delete 'each position' and substitute:
the positions referred to in paragraph (a)

The reason for moving this amendment I think has been very well explained by Colin James in *The Advertiser* on 6 September 2019. I quote:

Wages for most of these [council] staff—ranging from librarians to gardeners—are set by [EBAs] negotiated between the councils and unions, with most earning between \$65,000 and \$90,000.

These are the people who physically deliver council services paid for by your rates, such as the maintenance of parks, cleaning public toilets, sweeping streets and catching stray dogs. Ratepayers should not be too concerned about how much they are paid. They seem to be largely decent people working hard to serve their communities.

If there is one area on which the spotlight should shine, it is the high salaries paid to the hundreds of highly mobile chief executives and senior managers employed by councils, both urban and regional.

We have seen from other examples that we have shared with you throughout this debate, ranging from the misuse of credit cards to golf memberships, why it is important to increase transparency for the pay rates of our highest paid council staff. This amendment removes the onerous requirements to publish salary packages of your local council cleaner and instead retargets this section to focus on our highest salary earners within our council areas.

The Hon. R.I. LUCAS: The government is opposing the amendment. The government's bill simply proposes to make a document—the register of salaries—available online, as it is already created by councils and already publicly available. Any person can go into a council office now and request to see the whole register and take copies of extracts from it. Of course, no personal details are included in this register although the government recognises that in smaller councils this may not prevent ratepayers putting two and two together on which salary is paid to whom.

Whilst the government appreciates that not all council staff may wish this information to be known, it is only reasonable that ratepayers can readily see how much council staff are being paid. This is part and parcel of working for a public body and having a salary paid for by ratepayers or by taxpayers. I am advised that this register is already available. Some place it online; not everyone does. The government's bill will require all councils to place their register of salaries online. The government notes that the LGA's guidelines covering the register of salary state:

The starting point for the guidelines is the fact that salaries and benefits for employees (and council members) are paid for by ratepayers. Communities therefore have a legitimate interest in knowing how their rates are being spent.

The guidelines also note that, while not required by law, publishing the register of salaries on the council's website would enhance transparency. Many councils, therefore, already publish their register online.

The government notes that some changes have been made to the amendment that was first filed on the matter to ensure that the salaries and benefits received by all employees who report directly to the CEO are placed online. However, this does not deal with the fact that the top five salaries at a small regional council will include positions that are not anywhere near this level at a larger council. So for the reasons the government has outlined, we are opposing the amendment and supporting the framework that has been outlined in the government's bill.

The Hon. M.C. PARNELL: In my discussions on this amendment with the Local Government Association, they actually pointed out that this amendment would make the disclosure of salaries less transparent, not more, in that only the top five would need to be published, as opposed to, as the Treasurer has pointed out, a current regime where all the salaries would be published.

I do take the Hon. Emily Bourke's point that we have a lot of people working hard for local councils at less than the average wage. If the whole spectrum of salaries was published, then people could work out for themselves whether a CEO or a chief finance officer was worth four or five times what the dog catcher was being paid. I think transparency is improved by having all the salary bands disclosed publicly, rather than just limiting it to the top five.

I do take the Treasurer's point that in a very small council the dog catcher might make the top five if there are not that many employees, but in bigger councils I think the comparison between the most highly paid and the least well paid would be a sobering exercise, and I would like to see all that information published.

The Hon. E.S. BOURKE: I want to clarify that, yes, you are right, there is already a register that is available, but consider why this amendment may have been put forward. Consider what it may mean for a small regional council. When you are the local dog catcher or you are working on the front desk, what does that mean for you? No personal information is provided, but it is pretty easy to figure out, in a small country town, who is the receptionist working at the front desk and what they are getting paid.

Is that really the intent of this bill? Is that really what we want to be focusing on, and is that really what we want to be shining a spotlight on through this bill? Is it not that we want to be highlighting how money is potentially being misused or not used appropriately? It is there to highlight what those big employees are getting paid. We are not here to focus on people who are earning \$65,000; why do we need to share that with the community?

The Hon. F. PANGALLO: SA-Best will be supporting the Labor amendment, and I support the words of the Hon. Emily Bourke. It would be interesting, would it not, to see what the dog catcher gets and whether the dog catcher actually gets more than the parking inspector, and if he gets danger money, perhaps, but we are of the view that the intent of this amendment is actually to focus on the high-paying jobs within council and not to focus on the other workers in council areas, so we are inclined to support it.

The Hon. J.A. DARLEY: For the record, I will not be supporting this amendment.

Amendment negatived; clause passed.

New clause 63A.

The Hon. E.S. BOURKE: I move:

Amendment No 22 [Bourke-1]—

Page 41, after line 3—Insert:

63A—Insertion of sections 105A and 105B

After section 105 insert:

105A—Publication of credit card expenditure

- (1) A council must, within 14 days after the end of each quarter, publish in a prominent location on its website the following details in relation to each credit card provided by the council for use by an employee of the council:
 - (a) the title of the position of each employee entitled to use the credit card;
 - (b) a statement of any expenses of an amount of greater than \$100 for the quarter incurred using the credit card.
- (2) Any details published under subsection (1) must remain available on the website for inspection by members of the public for a period of 10 years from the date of publication.
- (3) A council must ensure that a link to the website address at which the details published under subsection (1) are available for inspection is prominently published on an Internet platform (such as social media).

105B—Publication of certain gifts funded by council

- (1) A council must, within 14 days after the end of each quarter, publish in a prominent location on its website the following details in relation to each gift provided to an employee of the council during the quarter that was, or will be, funded in whole or in part by the council—
 - (a) the title of the position of the employee to whom the gift was given;
 - (b) a description (including the cost) of the gift.
- (2) Any details published under subsection (1) must remain available on the website for inspection by members of the public until 5 years has elapsed since the employee ceased employment with the council.
- (3) A council must ensure that a link to the website address at which the details published under subsection (1) are available for inspection is prominently published on an Internet platform (such as social media).

This reflects quite a number of the discussions we have had already. I know that I have not had the support of the chamber, but I will quickly run through this so that we can have a discussion. Employers are also using ratepayers' money through their credit card expenditures. This amendment requires the disclosure of who is entitled to use a credit card and requires a statement of any

expenses of an amount greater than \$100 for the quarter incurred using that credit card and that these statements be published on the website of a council.

We have amended this reporting requirement so that it is not onerous on the council, as we have previously done, and it would be required to be published on a quarterly basis. This amendment falls in line with previous amendments that aimed to increase openness, transparency and accountability in our councils, which is the focus of the government's response to the Productivity Commission's report.

The Hon. R.I. LUCAS: The government's position is to oppose this amendment, for similar reasons as before. I want to again place on the record, in the interests of encouraging the Hon. Mr Parnell and others to support the government's position, that the commitment I gave earlier on behalf of the government in relation to a regulation that would see transparency for credit card expenditure, travel and gifts to elected members also applies to employees.

The government's view is the same, and that is that I am authorised to give a commitment on behalf of the government that a regulation that I earlier gave in relation to elected members' expenditure in those areas will also extend to employees. I think the experiences in relation to the Burnside council and perhaps one or two others throws light on why that would be useful.

I am advised that it is useful to note that in relation to the current drafting of the honourable member's amendment, that many of the expenditure items evidently included the Ombudsman's report on the Burnside council would not be covered by this particular amendment moved by the Hon. Ms Bourke because most of the expenditure items, I am advised, were under \$100 and what it would encourage potentially for clever employees is credit card splitting, sharing of costs so that everyone's share of the expenditure is under \$100.

In consultation with the LGA, the government will need to be mindful of that in terms of the drafting of appropriate regulations for the annual reporting of expenditure. We agree, as we did earlier, with the honourable member's sentiment in relation to elected members. We have the same view in relation to employees, but we are going to oppose this amendment and we would urge the committee to oppose it similarly and accept the process that the government has outlined.

The Hon. M.C. PARNELL: The Greens' view is very similar to what we expressed before in relation to the earlier amendment. I want to put on the record in relation to the honourable member's proposed section 105B—Publication of certain gifts funded by council, I took a bit of a vox pop on this amendment on Facebook. Basically, my question was, 'Is it appropriate for work to pay for gifts for staff?' When you phrase it like that, people were saying, 'No, you do not buy gifts for your staff.'

When you add a bit more information—say it was an outdoor worker, someone who had lovingly tended the gardens of the local council in rain or shine for 45 years and they were retiring—some people thought, 'Well, that's a bit different. Work could probably pitch in a bit for a retirement gift.' Some were still hardline on Facebook and they were saying, 'No, pass the hat—that's how it works, if they are valued their colleagues will put money into the hat.'

Then you get this situation where maybe a new wheelbarrow, for example, might be the proposed gift for the outdoor worker. They pass the hat, they get \$180, the wheelbarrow costs \$200 and someone in the council says, 'I think we can put in that last 20 bucks and we can get the wheelbarrow for Fred who is retiring.' Under this amendment, there is no limit to disclosure; \$20 topping up the cost of the wheelbarrow for the retiring staff and it has to be published and kept available for inspection for five years.

I understand that is not at all what the honourable member is aiming at. She is aiming at scurrilous, self-serving Swiss watches, as we saw in relation to one public utility, and is very keen to make sure that there is not that rip-off of taxpayers with council willy-nilly giving gifts to their own staff. But I think the councils are well aware of how this is playing so poorly in the community. The government has given commitments in relation to accountability and transparency and the Greens are happy to see the government put those in place, and we will hold them to account if they do not. So we do not need to support these amendments.

The Hon. F. PANGALLO: In light of the assurances that we have received from the government today, we will not be supporting the amendment.

The Hon. J.A. DARLEY: I certainly will not be supporting the amendment.

New clause negatived.

Clauses 64 to 68 passed.

Clause 69.

The Hon. E.S. BOURKE: I move:

Amendment No 23 [Bourke-1]—

Page 41, after line 24—Insert:

- (2a) Subject to subsection (2b), an employee of a council must not undertake overseas travel that is, or will be, funded in whole or in part by the council, unless the council has, prior to the commencement of the travel, passed a resolution approving the travel.
- (2b) It is not a breach of subsection (2a) if an employee of a council undertakes overseas travel of a kind referred to in that subsection without prior approval in accordance with subsection (2a) if—
 - (a) as a result of exceptional circumstances, it was not reasonably practicable for the travel to be approved in accordance with subsection (2a); and
 - (b) the travel is approved by resolution of the council passed within 7 days of the conclusion of the travel.
- (2c) If an employee of a council undertakes overseas travel that is, or will be, funded in whole or in part by the council, the employee must ensure that a report prepared by the employee setting out the actual cost of the travel and the outcomes achieved by the undertaking of the travel is submitted to the council for consideration at a meeting of the council occurring within 2 months of the conclusion of the travel.
- (2d) If the period of 7 days referred to in subsection (2b) or 2 months referred to in subsection (2c) would, but for this subsection, expire in a particular case during an election period for a general election, that period will be extended by force of this subsection so as to expire 7 days or 2 months (as the case requires) from the conclusion of the election period.

I note that amendment No. 24 is consequential to this one. I also note that we have had a very clear indication from the chamber what the response will probably be for this amendment. But to put it on the record, we feel that if people are using ratepayers' money that it is made available why they are spending that money.

This is about being open and transparent about how ratepayers' money is being used, particularly if employees for some reason are travelling overseas. So we feel it is only reasonable that if an employee of a council is travelling overseas that they do have approval to do that and, if they do travel overseas, they can provide a report to the council about why they have travelled.

The Hon. R.I. LUCAS: Just to repeat, we addressed this issue earlier in a similar debate and the government opposes it for the same reasons we gave earlier.

The Hon. M.C. PARNELL: The Greens' position is the same. We opposed an earlier version of this amendment, so we will not be supporting this one either.

The Hon. J.A. DARLEY: For the record, I will be opposing this amendment.

The Hon. F. PANGALLO: I am going to support the amendment. I think it is very important that before a councillor undertakes any overseas travel that is funded by ratepayers that it needs to be put to the council so that they know where the money is going and how it is being spent.

Again, it comes down to the appropriateness of travel. We have seen instances over the years, not just with councillors but also with MPs, where they have travelled overseas ostensibly for conferences or to visit somewhere and then when they have returned you hardly see a detailed report. You really do not know what they got up to and you do not know whether ratepayers or taxpayers got value for money.

I think it is important that there is full disclosure and transparency when it comes to overseas travel, particularly by the third tier of government. I think we need to ensure that ratepayers do get

value for money and that you do know where they are going and that the proposed travel is appropriately scrutinised. So we support Labor on that amendment.

Amendment negated; clause passed.

Clauses 70 to 73 passed.

New clause 73A.

The Hon. E.S. BOURKE: I move:

Amendment No 25 [Bourke-1]—

Page 42, after line 17—Insert:

73A—Amendment of section 115—Form and content of returns

- (1) Section 115(1)—delete 'A' and substitute:
Subject to subsection (1a), a
- (2) Section 115—after subsection (1) insert:
 - (1a) A return must include information as to the particulars (including the cost) of any travel beyond the limits of South Australia undertaken by the person submitting the return during the return period that is, or is to be, funded in whole or in part by the council, and for the purposes of this subsection cost of travel—
 - (a) includes accommodation costs and other costs and expenses associated with the travel; but
 - (b) does not include land based travel costs (as defined in section 119AA(4)).

Again, this goes to the intent of all of our amendments, and that is to increase transparency and accountability for why ratepayers' money is being used. This new section inserted is simply there to ensure that, when councillors or employees are travelling, they report that they have used those expenses. It has to be outside of South Australia, so if they leave the state and decide to use ratepayers' money for expenses outside of the state for travelling they need to report that expense.

The Hon. R.I. LUCAS: The government opposes this amendment. The comments I made in relation to an earlier amendment also apply here. These amendments place, in the government's view, onerous requirements on councils both in terms of timing and in detail. The government notes that this amendment proposes to capture this information in a register of interest. The purpose of this register is to ensure the council members have access to information about their CEO or other employees as the council determines so that they can have confidence that the CEO is managing any conflicts of interest appropriately.

In the government's view, it is not nor should it be publicly available information. It is therefore difficult to see the value in requiring the CEO to provide information about travel they may have undertaken in the course of their duties to the council in this way. For those reasons, the government is opposing the amendment.

The Hon. M.C. PARNELL: The Greens are opposing this amendment. We saw it as largely consequential on the debate that we had earlier in relation to accountability, so we are not supporting this amendment.

The Hon. J.A. DARLEY: I will also be opposing this amendment.

The Hon. F. PANGALLO: I will be supporting the amendment.

New clause negated.

Clauses 74 and 75 passed.

New clause 75A.

The Hon. E.S. BOURKE: I move:

Amendment No 26 [Bourke-1]—

Page 42, after line 21—Insert:

75A—Insertion of Chapter 7 Part 4 Division 1 Subdivision 2AA

Chapter 7 Part 4—after section 119 insert:

Subdivision 2AA—Travel by employees

119AA—Travel by employees

- (1) A council must—
 - (a) within 14 days after the end of each quarter, publish in a prominent location on its website information as to the particulars (including the cost) of any travel beyond the limits of South Australia undertaken by an employee of the council during the quarter that was, or will be, funded in whole or in part by the council; and
 - (b) within 3 months after the end of each financial year, publish in a prominent location on its website information as to the particulars (including the cost) of any travel beyond the limits of South Australia undertaken by an employee of the council (other than a person to whom Division 2 applies) during the financial year that was, or will be, funded in whole or in part by the council.
- (2) Any details published under subsection (1)—
 - (a) must not disclose the name of the employee who undertook the travel, but must instead refer to the title of the position of the employee; and
 - (b) must remain available on the website for inspection by members of the public until 5 years has elapsed since the employee ceased employment with the council.
- (3) A council must ensure that a link to the website address at which the details published under subsection (1) are available for inspection is prominently published on an Internet platform (such as social media).
- (4) In this section—

cost of travel—

 - (a) includes accommodation costs and other costs and expenses associated with the travel; but
 - (b) does not include land based travel costs;

land based travel costs means costs attributable to transportation by road, rail or other means of transport on land.

This amendment is fairly identical to the previous amendment. When an employee travels outside of the state they need to report that and be open and accountable for how they are using ratepayers' money. The amendment excludes requiring employees to disclose their names, and they will only be referred to by the title of the employee's position.

The Hon. R.I. LUCAS: We had a similar debate earlier and for similar reasons the government will be opposing this particular amendment.

The Hon. M.C. PARNELL: The Greens will be opposing this amendment.

The Hon. J.A. DARLEY: I will be opposing this amendment.

The Hon. F. PANGALLO: We will be supporting the amendment.

New clause negatived.

Clauses 76 to 78 passed.

Clause 79.

The Hon. E.S. BOURKE: I move:

Amendment No 27 [Bourke-1]—

Page 44, after line 21 [clause 79, inserted section 120A]—After subsection (1) insert:

- (1a) An employee behavioural standard must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.

This is an important amendment that refers to what we discussed in amendment No. 2 and the importance of having an industrial association put back into this bill. We are inserting:

- (1a) An employee behavioural standard must not diminish a right or employment condition under an Act, award, industrial agreement or contract of employment.

This amendment will help clarify that any behavioural standards introduced by a council should not undermine the rights of an employee that they receive as part of their employment. This is a commonsense amendment that is put in place as a safeguard to provide standard protections for employees.

Why would we not include this amendment? That is my question. We need to make sure that all employees feel safe in their workplace, and by inserting this back into behavioural standards that will make sure that they do feel safe.

The Hon. R.I. LUCAS: The government opposes this amendment. The government's advice is that there is nothing in the proposed provisions relating to behavioural standards that would imply that they would diminish any existing rights within industrial agreements and contracts. The government emphasises that the purpose of the behavioural standards is to give councils the opportunity, not an obligation, to state the standard of behaviour that they expect of their employees.

This could be to respond quickly and helpfully to questions and complaints, or to be respectful when dealing with ratepayers and each other. The bill proposes that more serious matters—integrity matters—are captured within the legislation. For those reasons, the government does not support the amendment moved by the honourable member.

The Hon. M.C. PARNELL: One of the very first amendments the Hon. Emily Bourke introduced to this bill was to incorporate a reference to unions or industrial associations. We supported the insertion of that definition because we felt that it had some work to do—not necessarily all the work that the Hon. Emily Bourke wants it to do, but at least some of the work.

This provision, in consultation with the LGA and the notes I took, probably does not achieve much but I think it is an important statement of principle, that you could in theory have a conflict between something that has been set as an employee behavioural standard that is diametrically opposed to a right or an obligation that a person has under some other act, award, industrial agreement or contract of employment.

It is very unlikely to be a live issue, but technically it could be. At the risk of stating the obvious, I think we do need to make sure that we do not have diametrically opposed obligations in different instruments, so the Greens will support this amendment.

The Hon. F. PANGALLO: We will support the amendment. It is important that the rights of employees are protected in every way and that they also are compliant with existing conditions of agreement of employment.

The Hon. J.A. DARLEY: I will not be supporting this amendment.

Amendment carried.

The Hon. E.S. BOURKE: I move:

Amendment No 28 [Bourke–1]—

Page 44, after line 25 [clause 79, inserted section 120A]—After subsection (3) insert:

- (3a) Before a council—
- (a) adopts employee behavioural standards; or
 - (b) alters, or substitutes, its employee behavioural standards,
- the council must consult with any registered industrial association that represents the interests of employees of councils on the employee behavioural standards, alteration or substituted standards (as the case may be).

This again refers to behavioural standards. We have seen in recent weeks that employees in government, both at federal and state levels, have been subject to poor working environments, and it is essential that employees be given a voice, as mentioned in my second amendment. When a council adopts behavioural standards it is essential that the voice of employees be included so that employees feel they are being listened to. It is not enough that an employer, who can sometimes be the source of the breaches of behavioural standards themselves, be the sole writer of the standards.

The development of behavioural standards needs to be done in an inclusive and constructive manner. When you look at the amendments made to the act, the industrial association representative has been removed by the government. That in itself is a clear indication of their hope of removing an industrial association participating in the behavioural standards of this act. I feel that reinstating this as a requirement, to have a registered association as part of the discussion, is an important step in ensuring that employees do feel safe in their workplace.

The Hon. R.I. LUCAS: The government opposes the amendment. I am advised that when the bill was originally introduced it contained a similar clause, but it was removed by an amendment moved by the Deputy Premier, following feedback from some councils and the LGA I understand, and the former ICAC, on the difficulties involved in 68 councils consulting on proposed employee behavioural standards. However, councils may choose to consult with registered employee associations when considering behavioural standards for employees.

The government emphasises again that, unlike previous codes of conduct for council employees, councils are not required to have these employee behavioural standards in place. However, they must consider whether they should within the first six months of each periodic election. This could mean that many councils, if not the whole 68, could be attempting to consult with registered associations within a very short period of time. The change reflects the approach taken in the bill where more serious integrity matters are captured in the legislation, and each council has flexibility to determine matters relating to behaviour.

Also as a result of this, the provision that formerly provided for a contravention or noncompliance with a code of conduct to be grounds for disciplinary action is proposed to be removed from the act. Councils will manage compliance with expectations about behaviour in accordance with all relevant employment and industrial law and agreements.

The Hon. M.C. PARNELL: I said before that the Greens supported the inclusion of a definition of unions back into the bill because there was some work for them to do. This is that work. Effectively, what the Hon. Emily Bourke's amendment says is that when the council is writing rules about how they think their employees should behave, the council should consult with the union that represents those workers. That makes eminent sense to me.

I do accept what the Treasurer has said, that it might be time consuming, it might be difficult and it might be that certain unions are consulted 68 times, or it may be that common sense prevails and that councils in a job lot prepare their employee behavioural standards. It is hard to imagine why an employee in Burnside should behave differently to an employee in Charles Sturt.

My guess would be that it will be a common document; there will not be that requirement, I do not think, to consult 68 times. It might turn out that I am wrong and someone reads the letter of the law and says, 'No, you have to consult us each time,' but the bottom line is, in setting standards for how workers should behave, should the workers' representatives be consulted? Yes. So the Greens will be supporting the amendment.

The Hon. F. PANGALLO: The Hon. Mark Parnell could not have put it any better. Of course they need to be represented in any discussions like this, so we are supporting the amendment.

The Hon. J.A. DARLEY: I will not be supporting the amendment.

Amendment carried; clause as amended passed.

Clause 80.

The CHAIR: In coming to clause 80, I have to alert the committee that on line 15 there is a typographical error. It refers to 31 September; that will be amended to 30 September. With that in mind, I am going to put the question that the clause stand as printed.

Clause passed.

Clauses 81 to 90 passed.

Clause 91.

The Hon. E.S. BOURKE: I move:

Amendment No 29 [Bourke-1]—

Page 54, after line 17—Insert:

(1) Section 131—after subsection (1) insert:

(1a) The annual report must include the amount of legal costs incurred by the council in the relevant financial year.

This amendment increases openness, transparency and accountability by requiring that the annual legal costs of a council be disclosed in its annual report. We have all seen that councils have incurred significant legal costs whilst engaging in sometimes petty internal disputes, which we have discussed in previous amendments.

These legal costs can add up, and ratepayers deserve to know how much is being used on legal costs so that they can determine whether these costs are in line with their expectations and done for the benefit of their community. We understand that councils do legitimately need to engage legal services from time to time, especially with issues relating to planning and other complex areas of the law, but the engagement of these services needs to be done in a transparent manner.

The Hon. R.I. LUCAS: The government is opposing the amendment. The amount that a council spends on legal costs is currently included in the council's audited financial statements which are, of course, required to be included in its annual report. Councils are required to prepare financial statements and notes in accordance with standards prescribed by the regulations. The model financial statements are prescribed for this purpose and do require legal expenses to be a separate expenditure line item in a council's financial statement.

Regardless, the government notes that the requirements for the contents for annual reports are set out under schedule 4 to the act and these can be set by regulation. If there is a need to include this information in a different form this would be, in the government's view, a more appropriate mechanism to do so.

The Hon. M.C. PARNELL: The government's position on this amendment is that it is not necessary; it is covered elsewhere. Another way of looking at that same question is: does it do any harm? I have to draw attention to the section of the act that relates to annual reports. I do note—and I think the Treasurer alluded to this—that often when you see legal expenses assumptions can be drawn that it must be in relation to disputation. I know at one point a lot of my rates appeared to be going into legal fees as councillors fought each other over code of conduct violations but, as the Treasurer said, often legal fees are in relation to property transactions or contractual matters and they are a necessary part of expenditure.

The Greens see no harm in including this in the annual reporting section. We would simply say that the appearance in an annual report of a large legal bill does not necessarily imply an incompetent council that cannot get its act together; it might just be in relation to the volume of tricky work that they have had to do. It might not relate to anyone suing them or them suing anyone else, it might simply be routine legal work.

On that basis, it does no harm but does potentially draw attention to the fact that if legal expenses become a very large component of a large number of councils' expenses, then it may well be the trigger for looking at how councils get legal advice. Perhaps they currently use a lot of private lawyers, maybe there could be a case for local councils to have access to the Crown Solicitor's Office—I do not know, I am only thinking aloud here—but it seems that a very large legal bill might indicate that a reform might be needed somewhere. However, on the basis that this amendment does no harm and that the amount disclosed might be of interest, the Greens will support this amendment.

The Hon. F. PANGALLO: We will be supporting the amendment. I note in the LGA's comments in relation to this they say that the ALP amendment would breach councils' rights to legal professional privilege, and I just do not understand how that could be. It is not asking councils to spell out what advice they did get, it is simply stating, 'Tell us how much you paid out in legal costs in that year.' You only have to look, just in recent years, at how many councils are embroiled in all sorts of litigation—councils, councillors—it just seems to be now a go-to thing that when there is some kind of a dispute within the council, bang, straight to a lawyer. Certainly, the LGA has one law firm that now seems to represent all the councils.

But it is clear to me that today the costs of litigation are going up with councils, and I think ratepayers have a right to know how much is actually being expended on legal fees. As the Hon. Mark Parnell points out, there could be other issues—planning advice or other matters—that might relate to elected members' rights or eligibility or things like that.

I think it is important, again in the interests of transparency, that where ratepayers' money is being spent it is being spent appropriately and that questions can be asked after the publication each year of information, such as legal expenditure. Ratepayers have a right to know where that money has been spent and if it has been spent appropriately. I think it is a good amendment and I support Labor for it.

The Hon. J.A. DARLEY: I will be supporting this amendment.

Amendment carried.

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

Amendment No 1 [Parnell-1]—

Page 54, after line 17—Insert:

- (1) Section 131(5) and (6)—delete subsections (5) and (6) and substitute:
 - (5) A copy of the annual report must be submitted by the council to the persons or bodies prescribed by the regulations on or before a day determined under the regulations.

This is the only amendment that I have moved to this act. This amendment is an odd one in many ways, and it comes out of some conversations that I have had with the staff of both houses of parliament, who find themselves every year having to file and manage 68 annual reports from local councils, in paper form, which take up vast amounts of shelf space and which, I am reliably informed, no-one has ever asked to access.

The reason I say that with some confidence is, first of all, staff have told me that, and I have spoken to both houses. The point is that when a local council issues an annual report, first of all it is, obviously, raised at the council meeting, it is then put on the council's website and it is in all of the council's libraries. I spoke to the parliamentary librarian; they get a copy in the library. But primarily, it is online, and the requirement for a physical copy of every council's annual report every year to be filed in the basement of Parliament House is an idea whose day has come and gone. We do not need to do that.

I think the key thing is that members have access to these documents—and they do, online. When I was discussing it with the Hon. Emily Bourke's predecessor, one thing that I know Labor was interested in was whether we could have a system whereby all members are notified that an annual report has been prepared. When I looked at this—and I note that the important Standing Orders Committee meets again next week, after Easter—there do not appear to be any current arrangements for notification of a document being available, outside the regime of tabling.

Historically and traditionally, documents are tabled, and they are tabled in hard copy form. I would like to think that eventually we could come up with a system where documents are tabled in electronic form and there is no need for a staff member to get an ink stamp out, stamp the top of it saying it has been received and file it away in a basement somewhere where no-one will ever look at it. We have to move beyond that.

I say to the Hon. Emily Bourke on behalf of the Labor Party, I looked to see if there was an arrangement for direct notification. I would like to think that local councils will eventually all have

subscription services, where people sign up not just to a newsletter but to all manner of information that councils routinely put out. We know that councils are going to have guidelines and protocols for communications with their citizens. That would be an appropriate way for people who want to get the annual report to register to at least be told when it has been published. There is no self-serving here. I am trying to save our hardworking staff, in both chambers, from the need to file these hard copy annual reports.

Having said that, what my amendment does is say that the government, through regulation, can determine who has to get a copy of the report. If the government really thinks that both houses of parliament need physical copies, you can put it back in the regulations. I hope you do not, but I have left that option there. It removes the specific reference of local council annual reports being physically tabled in both houses of parliament, where they will never be looked at.

The Hon. R.I. LUCAS: The government opposes the amendment. I guess the government's view is a bit old school in relation to this. Increasingly, we see the activities of foreign actors, as people who create havoc with electronic records are referred to. I think the notion that anyone believes that anything stored electronically these days is sacrosanct, safe, forever and a day is perhaps not moving in the real world.

Those of us who are advocates of hard copies remaining perhaps are more and more fortified as each week goes by when we hear of the activities of foreign actors, as we have seen in relation to recent events where whole systems have been either destroyed, impacted or distorted in a particular way.

I am not going to go on at length about this because this particular debate is a mere small portion of an overall debate about the safety and security of electronic records, which is a much broader debate than this mere amendment in this particular bill, but it gives me the opportunity, as we bid farewell to the Hon. Mr Parnell in his remaining days in this parliament, to briefly wax lyrical about something I know very little about but nevertheless am fearful of in relation to the security of electronic records.

For those reasons, the government feels security in the current safety of those hard copies sitting, potentially for many years, unmolested by members of parliament and others. Nevertheless, we can be safe in the knowledge that, should something happen, they will always be there as a secure record of what has occurred.

The Hon. F. PANGALLO: We will be supporting the amendment.

The Hon. J.A. DARLEY: I will be supporting this amendment.

The Hon. E.S. BOURKE: We will be supporting this amendment, but I will put on the record that we would hope that there would be a way found for both chambers to be notified of these reports being made available. It was particularly hard to keep a straight face through the Treasurer's statements of the fear of security and online data being shared in an inappropriate way.

Amendment carried; clause as amended passed.

Clauses 92 to 102 passed.

Clause 103.

The Hon. E.S. BOURKE: I move:

Amendment No 30 [Bourke-1]—

Page 56, line 21 to page 57, line 33—This clause will be opposed

I also highlight that amendments Nos 31 and 32 are consequential to this amendment. We will be opposing the government's changes to this section and sections 194A and 194B. We oppose these clauses because ultimately it makes it too easy for councils to revoke community land status with appropriate scrutiny and consultation with the community.

Community land forms an important part of our neighbourhoods and services provided using land to connect a society in a vital and tangible way. This includes community halls, sports clubs, parks, recreation centres and many more spaces that can bring communities together in a safe way

and also keep them connected. We have seen that during COVID people are looking more for this service of having community space so that they can keep connected to their community.

The act currently prevents the erosion of community land by a process requiring consultation and ministerial oversight. This is an important safety net that protects the value of community spaces. The state government's own guidance paper for the revocation of land classification, as outlined in the act, states that the objectives are to protect community interests in land for current and future generations.

Community land can be used for business purposes and can be leased or licensed without the need to revoke community land classification. Council cannot dispose of or sell community land unless the classification of community land has been revoked. The government's amendment seeks to erode the safety net by making it easier than ever before for councils to revoke community land status, to the detriment of local services and facilities but, most importantly, to the community.

Under the current process outlined in section 194, all community land revocation applications have to go to the minister for approval following a public consultation process. According to the information provided to me, only 14 applications were sent to the minister in 2014, which is not what you would consider an onerous amount of work for a minister's department to have to consider.

Under the new process put forward by the government, community land cannot be revoked if the land forms part of the Adelaide Parklands or if it is protected by regulations set by the government or if the land is specified in schedule 8, which only includes eight parcels of land. Outside this relatively limited list of eight parcels of land, a council would be free to revoke community land status on any piece of land without ministerial oversight. This completely undermines the safety net that has been put in place for years and years and has worked so well to protect community land.

Ministerial oversight is essential to ensure that councils are following the steps correctly when community land revocation occurs. In making their assessment, the minister must not only consider the feedback provided by the council but that of the local community when assessing the merits of a proposal. This may be lost entirely if a council can revoke community land without a ministerial safety net.

Just as the Legislative Council is a safety net to this parliament, so too is the Local Government Act a safety net in protecting community land for current and future generations. It is important that we have a minister as a safety net when considering the revocation of community land to ensure that councils are following appropriate community engagement when considering removing community land status.

This is highlighted through an example at the Town of Walkerville, which was found to have failed to follow the community consultation process when seeking to revoke community land status on the Walkerville YMCA site in 2016. This was only discovered when the Town of Walkerville proceeded to revoke the remaining community land status of that site in January 2020.

When they submitted a requirement to revoke the community land status, the minister found out that they actually had not followed the correct process: they had not consulted with the community, they had not advertised in the local paper and they had not advised the community that they were going to revoke that site. If the minister had not been a part of this process, neither the community nor the council would have been made aware of this failing to follow the act.

Essentially, this is a really important part of the Local Government Act because we need to ensure that our community land stays in community hands.

The Hon. R.I. LUCAS: The government opposes the amendment. The amendments that the bill puts forward simplify the process by which councils can revoke the community land status of land, with the important proviso that ministerial approval is still needed in certain circumstances, for example, when a council proposes to sell or dispose of land that is actively used by the community.

As outlined to me, and as I understand it, there is a process outlined in the bill that would distinguish land that is still actively used. Let's say, for example, that a park would still require ministerial approval, but in a regional area a road reserve that no-one would argue is used by the community at all could be handled expeditiously by the council. I am advised that under the current

arrangements all those minor and more significant issues currently are required to come to the minister for ministerial approval.

My advice is that all the government is seeking to do here is to, in essence, cater for the circumstances the honourable member is talking about: where there is community support for a particular park, area or space within a community, there is still ministerial approval that is required. But in a minor type matter where you are in a particular regional area—a road reserve or something like that—the issue can be handled by the people who represent their local constituents at the local level, that is, their elected members on the local council.

I am also advised that the bill proposes a regulation-making power that could be used to prescribe further circumstances where ministerial approval of the council's community land revocation proposals is necessary. The government's view is this strikes a good balance between reducing red tape and ensuring proper oversight of the most critical revocation proposals. Of course, councils will still be required to follow a careful process, including proper community consultation, when making a decision about a community land revocation that is not required to be approved by the minister.

Following some comments made in a second reading contribution to this debate, the Attorney also seeks to clarify that, while ministerial approval can be delegated to a departmental official, that is not typically the case. I am advised that the Minister for Planning and Local Government currently considers all applications that are made for her approval.

The Hon. E.S. BOURKE: Under section 194A, there is a listing of reasons why you need to go to the minister to seek revocation of a site. The Treasurer would have us all believe that there is a small section of land next to a road and it is just too complicated to have to worry about going to the minister. That is a really easy throwaway example, but ultimately this is taking away community land that was there for a reason.

We can be looking to those eight parcels of land that will be protected and that you will have to seek approval from the minister for. You could be looking to the Adelaide Parklands or you could be looking to Crown land to revoke that community land status. But it highlights something quite peculiar as well within the amendments put forward by the government, that it has to be for a public purpose that is in use.

If I again look to the YMCA, for example, the council has ceased the lease of the YMCA so coincidentally it is now a vacant site. Therefore, the council will not have to seek approval from the minister about whether that land should be taken away from the community. The only reason why you seek to remove the community land status of a site is so that it is easier to sell. At the end of the day, when we remove a requirement and that takes away a safety net on protecting community land, you are actually making it easier for a council to sell community land and for it to be taken away from the use of the community. I would ask the council to consider that.

The Hon. M.C. PARNELL: I accept what the Treasurer is saying that there are some parcels of land that are not terribly controversial and could be disposed of, and I understand the Treasurer's desire to do that in as efficient a way as possible. However, the Greens' approach to community land is that we do put it on a bit of a pedestal, and my personal approach has been exactly the same as it is for national parks or conservation parks; that is, the principle of acquisition and disposal should be: easy in, hard out. In other words, it should be easy to acquire a national park or to create a national park or to create a municipal park or whatever, and it should be very difficult to undo that; that is, easy in, hard out.

The difficulty of undoing community land is simply that there is a check and balance in the system; that is, it has to go through a council process, a community consultation process and the final process is that it goes to the minister. For those noncontroversial cases, the minister is going to sign off on it; it is not going to be at all difficult. But there are cases where it is incredibly contentious.

The Treasurer has pointed out that this new regime of bypassing the minister will not apply to land that is actively used. The problem is that you have land that would be actively used if only the council had spent some money on opening it up for public use. So you might have land that has

amazing potential as valuable community land but it is currently not being used for that purpose because no effort has been put into making it accessible, for example.

So on the basis of easy in, hard out and on the basis that there have only been about 14 cases a year that have had to go to the minister, the Greens are inclined to support the Labor amendments Nos 30, 31 and 32, which are all consequential. We want to ensure that all revocations of community land need to go through that final stage, which is ministerial sign-off.

The Hon. F. PANGALLO: We will also support the Labor amendment. We did have a concern in relation to the fee that would be required if an application was made. I do not know why it is necessary for a fee to be applied to those applications when it goes to the minister to consider. It should be straightforward: 'Here it is. Would you have a look at it and let us know what you think about it?' This would be rather than also having to impose a fee, and I am not sure what the fee would be.

Again, endorsing what the Hon. Mark Parnell said about community land, there have been instances in recent years where the community's concerns have been overlooked in the transfer or acquisition of community land that had been bequeathed to the community decades before, maybe even a century before, that had been long forgotten. I am sure that this would continue to happen.

There could be situations, for instance, in the City of Mitcham in Colonel Light Gardens. If you have been through Colonel Light Gardens, you will know that there are many little side alleys that had been part of the development back at the turn of the last century that were there as part of the garden city project. Who knows? Will councils want to remove one or two of those? Why shouldn't the community have a say and be able to make representations to that? That being the case, when it does happen, why should councils also be forced to pay a fee? So we will be supporting the Labor amendment.

The Hon. J.A. DARLEY: I also will agree to the Labor Party amendments and I agree with the Hon. Mark Parnell's sentiments that it is easy in, hard out.

Clause negatived.

Clause 104.

The CHAIR: The Hon. Ms Bourke, your amendment is consequential, I believe.

The Hon. E.S. BOURKE: This is consequential.

Clause negatived.

Clause 105.

The Hon. E.S. BOURKE: My amendment to this clause is consequential to the previous amendments.

Clause negatived.

Clauses 106 to 117 passed.

Clause 118.

The Hon. E.S. BOURKE: I move:

Amendment No 33 [Bourke-1]—

Page 62, line 23 to page 63, line 3—This clause will be opposed

I have a strong belief in this amendment. Members will be aware that Labor has opposed the removal of corflutes because it is inconsistent with the democratic right to political communication. When corflutes go up, people start paying attention. They start turning their mind to who they will vote for at the next election. Often, it is the very first indicator to a person that an election is on its way. Many in this chamber, if not all, would agree that it is difficult to break through the noise and engage with the community on political issues. We need to give the community every opportunity to know who their local candidates are and what they stand for.

The Hon. R.I. LUCAS: The government is opposing the amendment. Proposals in the bill, we are advised, are strongly supported by the LGA, which, I am advised, has long advocated for stronger regulation of election signs. The issue that councils raise include the loss of roadside amenity, diminished roadside safety, potential damage to roadside infrastructure and environmental issues caused by the difficulty in disposing and recycling of plastic corflutes. Enforcing the rules around corflutes is also a significant resource issue for councils.

The government also notes that candidates in local government elections have varying degrees of resources, perhaps unlike candidates in state and federal government elections in many cases—not all, but in many cases. Many council candidates simply do not have the resources to print and display corflutes and they should not be disadvantaged because of this. It also should be noted that ballot papers that are mailed directly to voters in local government elections include specific information on all candidates that voters can consider over a two-week voting period.

The bill also proposes that all of this information about council candidates will be available in a single location on the Electoral Commission of South Australia's website. Voters do not have to see corflutes on public roads to understand who is standing in their local council elections. For those reasons, the government is opposing the amendment.

The Hon. M.C. PARNELL: This is an issue that we were hoping to agitate at some length when we debated the Electoral (Miscellaneous) Amendment Bill when we were considering the question of corflutes in relation to state elections. Some mischievous people were suggesting that the Greens might have voted in different directions on that bill, but we will never know because it never got past the second reading, so that committee stage never happened.

I will put on the record that in my 15 years in parliament and 11 years with my colleague the Hon. Tammy Franks we have always voted together, and I suspect that we might today as well. I do see a difference in this provision in the bill to that which we were going to consider but never got around to in the state election reform bill. Certainly, the differences are that voting is compulsory in state elections. It is optional in local government elections. The state political scene is a party-dominated scene, whereas local governments, whilst they are full of party members, generally run as Independents. We would like to think they are not under the direct control of political parties, but it is often hard to know.

Also, the reality for someone to run a local council election campaign is that they are not highly paid jobs and people are not going to spend a whole lot of money, but those who have money can blitz the suburbs with corflutes. I am also conscious that a person who you will see more of in coming months, Councillor Robert Simms from the City of Adelaide, is on the record as supporting the position taken by the Local Government Association, and his arguments in favour of banning corflutes made a lot of sense to me.

In this particular bill I have not proposed any amendments. We had some drafted for the state bill about the biodegradable cardboard-based corflutes that remove the need for single-use plastics. We were looking at special exemptions for being able to march down the street holding a banner, which potentially would have been caught by a prohibition, but a lot of those things are not part of the reality of local government elections.

The position that my colleague and I will be taking is to oppose the Labor amendment. The Labor amendment is to oppose the clause, so if we oppose the opposition, we are supporting the clause as written, and the clause as written is that the corflutes will be banned, except in circumstances prescribed by the regulations, and we look forward to seeing those regulations.

The Hon. J.A. DARLEY: I indicate that I will oppose this amendment.

The Hon. F. PANGALLO: It is quite disappointing to hear that and the attitude from the Greens, which is totally in contrast to what we agreed for state elections. There is no difference whether it is state or local government or federal government. If you are going to ban corflutes, you ban them right across the board. It would have been very difficult I am sure to ban corflutes for state elections and then you would have had the problem of what you do with federal elections.

I am supportive of corflutes. Despite what the LGA says, it is amazing how many councillors in different councils that I have come across in the last few weeks have come to me and said that

they support having corflutes in there because it is a cheap form of advertising for them. The Hon. Mark Parnell says that we do not want to see a blitz of corflutes across a local government area. If there are local government elections, you will have your candidate in that particular ward, and I would not think you are going to see a large proliferation of corflutes in those areas.

In fact, in my ward recently there was a by-election, and I did not see a great proliferation of corflutes through the area. They were sensibly placed and there were only a couple of candidates, but it gave me brand recognition for that councillor. I knew who that councillor was by seeing that face on that poster. If I had bumped into that candidate while he or she were on the hustings, I would have been able to go up to them and have a discussion with them.

I think that corflutes—I agree with the Hon. Mark Parnell—do need to be recyclable, but there is a place for them, contrary to what might be out there in the court of public opinion. They are important, and they are important for candidates to allow the community to know who they are. It is an affordable form of advertising for them, because many of them would not be able to afford pamphlets. You may have some who would be able to distribute some pamphlets, but it is a vital form of advertising that goes hand in hand with elections.

We are supportive, and we will stick by and be consistent with what we said, that what applied for state government should apply for local government. I find it incredible to think that the LGA would be opposed to this. Did they fully consult with all their councils, and did they consult with their members? Anyway, we are supporting Labor.

The Hon. T.T. NGO: I am speaking in favour of the amendment; I agree with the Hon. Mr Pangallo. Corflutes these days have gone down in price a lot. They used to be \$15 per corflute; now they have gone down to less than \$5. I think banning corflutes will give the sitting member a huge advantage, because the member for that four years would have name recognition in campaigning. It would be very hard for a new candidate to be able to knock off the sitting member without having corflutes, and now with the reduced number of councillors—elected members—the area will be a lot bigger.

So for a new candidate to be able to do a mail-out, a printout and cover a large area it would be very difficult. Having corflutes I think will give the new candidate a better advantage in terms of trying to get in. So I will be supporting the amendment, because I think it just makes it fairer for everyone who runs for council.

The Hon. R.P. WORTLEY: I might as well get in on the act while the opportunity is here. Look, I support the amendment, and I must say I am quite astounded at the position the Greens have taken on this. You have some of these council wards having 20,000 members in them. It is important that a candidate who is running for the first time in particular, when there is no recognition, has some sort of opportunity of showing their face on a Stobie pole to get some sort of recognition. Otherwise, it does favour the incumbents.

Also, voting now is by postal ballot, so seeing some corflutes on Stobie poles, or wherever they are going to be put, you know there is going to be a ballot eventually so you actually look for the ballots in your letterbox. I think this is a negative step. I think it is a retrograde step for democracy in this country. I think something more appropriate would have been to put a limit on the number of corflutes instead of banning them altogether. So I support the amendment.

The Hon. E.S. BOURKE: I would also like some clarification regarding the government's wording. When they say they are going to be removing or banning them from public roads or, obviously, fixtures of vegetation, which is quite understandable, does this include A-frames as well? If someone is having a street corner meeting, and they want to have an A-frame on a road or a footpath next to them, will they be able to have that A-frame next to them on the footpath?

The Hon. R.I. LUCAS: I am advised that the government will be consulting, should this amendment pass, with the LGA on regulations which can provide for exemptions. It may well be that the use of the A-frame to which the honourable member has referred may be one of those exemptions that, after consultation with representatives of local councils, might be able to be catered for.

I think the community would probably see an A-frame being utilised by a candidate attending a meeting—a single one sitting next to them—as quite different from a significant number of corflutes being hung on transport infrastructure in a variety of places as outlined in the bill, but it would be an issue the government would consult on. It would have to be prescribed by regulation. If it was, it would of course be subject to disallowance by either house of parliament if a majority in either house of parliament were not convinced that this was a worthy exemption or exclusion.

Clearly, this is a significant issue. We did not get to debate the detail in relation to the state Electoral Act, but the indications are now that a majority of members in this chamber are supporting this groundbreaking reform, and there is this sensible provision there for appropriate consultation. As I said, any regulation would be subject to disallowance by this chamber or, in the current circumstances, the other chamber should either house disagree with the nature of any proposed regulation.

The Hon. E.S. BOURKE: Just to expand on the Hon. Mark Parnell's comments throughout the debate about being careful with the legislation that has been put into a bill, I feel as though there is a lot of reliance going on the regulations that this government is going to be creating: there could be; there might not be; you might be able to have one A-frame; you might not be able to have any A-frames; what the time period is for when you cannot have an A-frame; is it never again that you cannot have an A-frame?

When you say that you are going to remove having the access to corflutes in the community, there is no real clarity around what that actually means for an elected representative. When you are in the community, it should be made very clear to the public that you are an elected representative and you are legitimising that you are actually there as an elected representative, and sometimes having a corflute next to you can assist with that.

You also, as a new candidate, need to be able to promote who you are and why you are there as well. What does not seem very clear in this bill, through the government's amendment in the other place, is what will be allowed and what will not be allowed, and what the time frame is and what the time frame is not.

The Hon. R.I. LUCAS: I guess the response to the honourable member's generic question is similar to the response to the specific question in relation to A-frames; that is, should this groundbreaking reform pass the state parliament, the government has the capacity with the regulations to sit down with representatives of local government to come up with a sensible framework which will work for most.

I think, as the Hon. Mr Parnell has identified, council elections are significantly different from state elections. Yes, there are similarities, but there are also significant differences and the protection for the parliament, and for the broader community, is that any exclusions that the government would propose after consultation with the LGA would be subject to disallowance by either house of parliament.

These issues will be properly consulted on and I would encourage the honourable shadow minister, should this groundbreaking reform pass the parliament, if she has ongoing questions to consult both with the LGA and with the Attorney-General (the Minister for Local Government) in relation to any ongoing concerns that she might have with what, as I said, potentially could be a groundbreaking reform to be supported by this chamber.

The Hon. T.A. FRANKS: I had a question because one of the previous speakers raised a concern that this has not been consulted on. If it had not been consulted on I would wonder how it made its way into this bill. But I understand that at the LGA AGM this was voted on, so I imagine that it has been consulted on. My question to the Treasurer is: is it the position of the LGA to ban the corflutes?

The Hon. R.I. LUCAS: I am advised that the Hon. Ms Franks is accurate in terms of reflecting the position of the LGA. I think she referred to the fact of it being voted on at their AGM. I am advised that, yes, that is the case. The answer to the honourable member's question is, yes, there has been wide consultation already and there is broad support from those who are elected to represent local government across the state.

The Hon. F. PANGALLO: I beg to differ there. As I said, there are many councils that have suddenly realised, 'Hang on, what have we agreed to here? What has the LGA agreed to?' Can I ask about the definition of electoral advertising. We have been talking about the accepted corflute with the face of the candidate on there, but of course we have also seen issues—and issues that have been championed by the Greens in local government elections, issues that affect the community, environmental issues—and this is going to prevent those messages also being put out there to the community.

Take an issue with a flood plain or an issue in relation to a park, or even take the gatehouse at Waite. It is a cheap form of advertising and way of getting a message across, which is why I am surprised that the Greens are opposed to it. Okay, let's get rid of the plastic and certainly make them recyclable, but you are also not only going to prevent candidates being able to advertise themselves but there are vital community issues that perhaps community groups would want to advertise or make known in the community during an election campaign.

It seems to me that you really are cutting off a vital form of communication within the community, not just about candidates but about important issues, issues that could affect neighbourhoods and communities, that people need to know about. You are cutting out that vital communication tool, that tool that presents a very perceptive and simple, accurate message about something.

Remember when we were debating the issue about oil drilling in the Bight? Many councils were carrying messages on corflutes urging that mining in the Bight be banned. That was done by local government areas, so you are going to stop that happening. I just find it incongruous that my colleagues on the other side would ban it.

The Hon. E.S. BOURKE: While we are waiting—

The CHAIR: The Treasurer is consulting.

The Hon. E.S. BOURKE: That is alright. I am adding to the Hon. Frank Pangallo's comments, just to give them a little bit more time to have a chat over there. To further expand, when you walk around the city at the moment, the Adelaide City Council has placed corflutes on quite a number of Stobie poles, asking the community to participate and provide feedback about how to improve their streets and their neighbourhoods. They may well be limiting this facility as well, to be able to put up on Stobie poles throughout the city that information that they can provide to the community.

The Hon. T.A. FRANKS: I rise to reiterate my consistent opposition to election corflutes on Stobie poles. I do not see how the removal of a piece of plastic with somebody's face or a slogan on it necessarily spells the death knell for democracy in this state. I just want to put on the record my response to a few things.

The Hon. Tung Ngo said that they have become much cheaper now, that they used to be \$10 and now they are \$5. Can I tell you that if you have money to spend on a lot of corflutes, they become cheaper per unit. Can I also tell you that if you want to print pamphlets, they are a hell of a lot cheaper than corflutes.

I think the idea that somehow people are not going to be able to campaign on issues, or that councils will not be able to make their positions known on an issue, has nothing to do with an electoral campaign where in our local government elections we actually receive materials in a quite uniform and fair way that allows each and every candidate to have a photo sent to them that has their spiel and allows us to do the vote. There is in fact an even playing field, something that those candidates who cannot afford corflutes are not disadvantaged by.

The Hon. R.I. LUCAS: Let's just clarify, the issues that are not going to be even canvassed by this particular provision, which allow people to campaign for or against a particular local issue—direct mail letters, digital advertising, handwritten materials and those sorts of things that are distributed; letterboxing, doorknocking, public meetings—none of those opportunities to campaign for or against a particular local issue are going to be impacted in any way.

If this groundbreaking reform is going to pass the Legislative Council, and the current voting indication is it will, there will need to be sensible community consultation with representatives of the

local government sector in relation to the regulations that would apply to this, and the sensible question in relation to a single A-frame on a particular occasion would be one of those. No-one is contemplating that, three years out from an election, if there is a protest against the removal of the gatehouse or whatever else it is, the Electoral Commissioner will be launching a prosecution on people under these particular provisions of the act.

At the other end of the continuum, if, in the remaining weeks of an election for local government, during the election period, candidate Pangallo launches 600 lovely photographs of his good self with 'Vote 1 for cranky Franky' as his slogan on the corflutes, then clearly the regulation is intended to ban those corflutes if they are set up on poles on roads all through the local ward that he might be seeking to contest.

So what it is intending to do is clear. At the other end, no-one is contemplating that someone is going to be prosecuted for protesting against the removal of the Waite gatehouse three years out from an election. There are sensible issues that will need to be clarified such as, as I said, the Hon. Ms Bourke's question about a single A-frame advertising a particular person. We can all come up with a whole series of what ifs between what is clearly intended to be banned and what is clearly not intended to be included. There are shades of grey in between.

We can spend the rest of the evening coming up with what ifs. I am not going to, with great respect to all of you, be able to give you specific answers to any of them other than the general response I have just given; that is, we will look at all of these in the regulations and this chamber and the other chamber will have the capacity to disallow if they do not like the regulations.

Given the indications of where the numbers are in this particular debate, as soon as we resolve this clause, given we still have a significant number of other amendments from a number of members and it is approaching 6 o'clock, after the vote on this important amendment, I will propose that we report progress and we can continue the debate later in the week.

The Hon. J.E. HANSON: Mr Chair?

The CHAIR: This has been canvassed at great length. The honourable member has not spoken before. I will give him the opportunity, but the issues have been canvassed at great length. The Hon. Mr Hanson.

The Hon. J.E. HANSON: I agree with a lot of what my colleagues have had to say. The thing I wanted to add is this has been referred to a number of times as groundbreaking reform; it is clearly not. The level of innovation that has been outlined by the Treasurer in regard to where people are going to go would not be so wide and varied and freely available.

The point I want to make about that is: if it is such a great reform and we are going to get it through, why are we waiting to pass regulations later on around what we are going to do? It seems that, as I think the Hon. Ms Bourke has pointed out, we should have done that before we got here and structured this a little bit better.

I do not think it is going to lead to the end of the world, but it may cause a level of innovation out in the electorate where people are going to start doing things like standing on the side of the road with placards, waving things around. I do not know what is going to happen. I think that maybe what we have done here is ban something without knowing exactly what is now going to happen when we go to an election, leading to some people doing some very odd things. I hope we are prepared for that, but we will see what happens.

The committee divided on the question that the clause stand as printed:

Ayes..... 9
Noes 8
Majority 1

AYES

Centofanti, N.J.

Hood, D.G.E.

Lucas, R.I. (teller)

Darley, J.A.

Lee, J.S.

Parnell, M.C.

Franks, T.A.

Lensink, J.M.A.

Wade, S.G.

NOES

Bourke, E.S. (teller)
Maher, K.J.
Pnevmatikos, I.

Hanson, J.E.
Ngo, T.T.
Wortley, R.P.

Hunter, I.K.
Pangallo, F.

PAIRS

Ridgway, D.W.
Bonaros, C.

Scriven, C.M.

Stephens, T.J.

Amendment thus negatived; clause passed.

Progress reported; committee to sit again.

At 18:04 the council adjourned until Wednesday 31 March 2021 at 14:15.

*Answers to Questions***PUBLIC HOUSING**

In reply to **the Hon. T.A. FRANKS** (16 February 2021).

The Hon. J.M.A. LENSINK (Minister for Human Services): I have been advised:

In 2013, the then commonwealth government agreed to waive \$320 million of housing debt owed to it by the state government.

The debt forgiveness and associated interest savings resulted in a \$365 million saving to SAHT.

However, rather than apply the full debt relief to SAHT the then Labor state government transferred \$315 million of this benefit to its own bottom line.

As a result, SAHT saw a reduction in grant revenue of \$79 million per annum over a four-year period commencing in 2013-14.

Despite the debt being waived, significant viability sales in the thousands continued.

A reduction in grant revenue of \$70 million was extended a further year in 2017-18.

This decision was reversed in June 2018 under the Marshall Liberal government.

The SAHT does not owe any debt to the commonwealth government.

Questions regarding debt arrangements between the state and commonwealth governments can be directed to the Treasurer.

RENT CONTROL ORDER

In reply to **the Hon. J.E. HANSON** (3 March 2021).

The Hon. J.M.A. LENSINK (Minister for Human Services): I have been advised:

A preliminary rent control notice was issued on 18 February 2021.

Provisions under the Housing Improvement Act 2016 require sufficient time for the owner to make submissions to the Housing Safety Authority as to why the rent control amount should not be fixed. Any submissions are considered when determining whether to fix the rent control amount.

A rent control notice was issued to the property owner and a copy sent to the property agent on 4 March 2021, with a letter also sent to the property occupants confirming the maximum rent control charged is zero dollars (\$0). A record of the notice was listed in the *Government Gazette* on the same day.

INDUSTRIAL RELATIONS

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (3 March 2021).

The Hon. R.I. LUCAS (Treasurer): I have been advised:

Based on a comparison of revenue collected over the same period in previous years, the MFS estimates that the impact of industrial action taken by the United Firefighters Union of SA has resulted in a year-to-date decrease in revenue of around \$0.7 million.

As well as the decrease in revenue, the industrial action increases expenditure. I am advised that the ban on senior firefighters and station officers acting up at a higher rank cost the MFS \$110,000 per week in overtime. I am pleased to advise that on 15 March 2021 the ban on acting up was lifted by the union.

SUSTAINABLE AGRICULTURE

In reply to **the Hon. M.C. PARNELL** (3 March 2021).

The Hon. R.I. LUCAS (Treasurer): The Minister for Primary Industries and Regional Development has advised:

1. The government does not accept the premise of the question. Refer to the South Australian Government Climate Action Plan 2021-2025 released by Minister Speirs on 16 December 2020.

2. Refer to answer to question 1.