LEGISLATIVE COUNCIL

Tuesday, 12 February 2019

The PRESIDENT (Hon. A.L. McLachlan) 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

SENTENCING (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

HEALTH AND COMMUNITY SERVICES COMPLAINTS (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (DOMESTIC VIOLENCE) BILL

Assent

His Excellency the Governor assented to the bill.

TOBACCO PRODUCTS REGULATION (E-CIGARETTES AND REVIEW) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

SUMMARY OFFENCES (LIQUOR OFFENCES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

ROAD TRAFFIC (EVIDENTIARY PROVISIONS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

ELECTORAL (PRISONER VOTING) AMENDMENT BILL

Conference

The Hon. R.I. LUCAS (Treasurer) (14:19): I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the President—

Adelaide Park Lands Lease Agreement between the Corporation of the City of Adelaide and Alkyona Pty. Ltd.
Reports the of the Auditor-General—
Land Services Commercialisation Project, Report No. 12 of 2018
State Finances and Related Matters Report No. 1 of 2019
Legislative Council—Report, 2017-18
Ombudsman SA—Report, 2017-18
Statutory Authorities Review Committee—Report, 2017-18
Reports, 2017-18—
City of Adelaide
Adelaide Hills Council
Adelaide Plains Council
Berri Barmera Council
District Council of Ceduna
Copper Coast Council
City of Holdfast Bay
Kangaroo Island Council
District Council of Kimba
Light Regional Council
City of Marion
City of Mitcham
Mount Barker District Council
City of Mount Gambier
Naracoorte Lucindale Council
City of Norwood Payneham and St Peters
District Council of Peterborough
Port Augusta City Council
Port Pirie Regional Council
City of Prospect
Renmark Paringa Council
District Council of Robe
Municipal Council of Roxby Downs
City of Salisbury
Southern Mallee District Council
District Council of Streaky Bay
District Council of Tumby Bay
City of Victor Harbour
Wakefield Regional Council
Wattle Range Council
Whyalla City Council
District Council of Yankalilla
Yorke Peninsula Council

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2017-18—
Legal Practitioners Education and Admission Council

National Education and Care Services Freedom of Information and Privacy Commissioners and Ombudsman
South Australian Stolen Generations Reparations Scheme Report by the Independent Assessor, dated July 2018
State Coroner.
Section 74B Summary Offences Act 1953—Road Blocks for the period 1 October 2018 to 31 December 2018

Regulations under Acts—
Casino Act 1997—Prescribed Day
Criminal Procedure Act 1921—General—Costs
Fines Enforcement and Debt Recovery Act 2017—Civil Debt Recovery
Gaming Machines Act 1992—Prescribed Day
SACE Board of South Australia Act 1983—Miscellaneous
State Procurement Act 2004—Procurement Operations
Teachers Registration and Standards Act 2004—Prescribed Offences
Work Health and Safety Act 2012—Asbestos Air Quality
Rules of Court—
Magistrates Court—Magistrates Court Act 1991—
Civil—Amendment No. 23
Criminal—Amendment No. 69
Supreme Court—Supreme Court Act 1935—
Civil—Supplementary—Amendment No. 11
Youth Court of South Australia—Adoption—General

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

Reports, 2017-18—
South Australian Local Government Grants Commission
Veterinary Surgeons Board of South Australia
District Council By-laws—
Lower Eyre Peninsula—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
No. 6—Foreshore
Mid Murray—
No. 8—Camping and Mooring (Variation)
Peterborough—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
No. 6—Cats
Regulations under Acts—
Development Act 1993—Waste Reform
Local Government Act 1999—Boundary Adjustment
Motor Vehicle Act 1959—Miscellaneous No. 2
Planning, Development and Infrastructure Act 2016—
Accredited Professionals—General
Fees, Charges and Contributions—General
Real Property Act 1886—Calculation of Transfer Fees
Road Traffic Act 1961—
Declared Hospitals

Road Rules—Seatbelts
Safe T-Cam

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

Reports, 2017-18—
Adelaide and Mount Lofty Ranges Natural Resources Management Board
Alinytjara Wilurara Natural Resources Management Board
Eyre Peninsula Natural Resources Management Board
Kangaroo Island Natural Resources Management Board
Northern and Yorke Natural Resources Management Board
SA Murray-Darling Basin Natural Resources Management Board
South Australian Arid Lands Natural Resources Management Board
South East Natural Resources Management Board
State of the Environment 2018
South Australian Water Corporation Charter dated January 2019
Regulations under Acts—
Child Safety (Prohibited Persons) Act 2016—General
Disability Inclusion Act 2018—General
Environment Protection Act 1993—
Variation of Act, Schedule 1—Waste Reform
Waste Reform
Housing Improvement Act 2016—Prescribed Minimum Housing Standards
Radiation Protection and Control Act 1982—
Fees—General
Ionising Radiation—Fees No. 2

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

Office of the Training Advocate 2018
Regulations under Acts—
Firearms Act 2015—Fees No. 2
Tobacco and E-Cigarettes Products Act 1997—
Fees
General

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE

The Hon. D.G.E. HOOD (14:22): I bring up the report of the committee on its review of the operation of the Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013.

Report received and ordered to be published.

Ministerial Statement

STOLEN GENERATIONS REPARATIONS SCHEME REPORT

The Hon. R.I. LUCAS (Treasurer) (14:27): I table a copy of a ministerial statement relating to the Stolen Generations Reparations Scheme report and further payment made earlier today in another place by the Premier.

Parliamentary Procedure

SITTINGS AND BUSINESS

The PRESIDENT (14:35): Honourable members, before calling any of you desiring to ask questions without notice, I would like to bring to members' attention some matters that I have had cause for consideration during the break. Firstly, with regard to members seeking leave to make explanations prior to asking questions, I would like to remind the council that the object of question

time is to elicit information, and when leave is sought to make a brief explanation prior to asking a question such explanation should be as brief as possible.

Also, the granting of such leave does not in any way permit members to make any inferences or imputations, give opinions, or debate the matter. I was concerned leading up to the final sitting days last year that members had engaged in making long explanations prior to asking their questions and included a healthy dose of opinion during explanation.

Further, I would remind members that no such explanation is permitted when asking supplementary questions and that they should arise out of the original answer. I ask members to consider this polite reminder of the standing orders and procedures relating to asking questions. Equally, I would add that, in giving a reply, ministers should endeavour to answer the question and not debate the matter. They should also avoid expressions that call for observations from other members and excite debate.

Secondly, with regard to the making of explanations, I also offer this cordial reminder that standing order 175 states:

> A Member who has spoken may again be heard, to explain in regard to some material part of the speech on which the Member has been misquoted or misunderstood, but shall not introduce any new matter or interrupt any Member in possession of the Chair.

Standing order 173 relates to making a personal explanation. Having been granted leave, the explanation should be concise and restricted to the specifics of the matter seeking to be explained. Members receive an opportunity on Wednesdays during matters of interest to make speeches that would accommodate a broader exploration of matters, while of course still adhering to the standing orders and rules of debate. Members should also look to utilise these opportunities rather than seek leave to make personal explanations for such purposes.

Finally, I am of the view that some of the notices of motion that have been given during the present session have been considerably longer and more detailed than those in the past. While I would not want to be seen to limit members' capacity to bring matters before the council, I would encourage members to be concise in the wording of their motions and use the opportunity of the speech in moving the motion to elaborate on the matter and give body to the motion.

Question Time

PAIRING ARRANGEMENTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:38): My question is to the Leader of the Government. How important to the proper functioning of parliament is the convention to honour pairs that have been agreed to between the government and the opposition on every single vote?

The Hon. R.I. LUCAS (Treasurer) (14:38): The last thing in the world that I would be raising in this particular chamber is the issue of pairs, given the appalling practice the Labor opposition has adopted in clear contravention with past practice in terms of a generally flexible arrangement of providing pairs to ministers of the Crown in going about their business. The position that has been adopted by the new Leader of the Opposition and the new whip has been completely contrary to past convention and practice.

Certainly, in my long history in this particular chamber, oppositions have tended to accept the fact that ministers do have a role to conduct and on important business are entitled to receive pairs. The practices of this chamber have been practices generally followed over Labor and Liberal governments and Labor and Liberal oppositions for all of my very many years in this particular chamber.

They have changed considerably in recent times. What the practices are in the other chamber in the South Australian parliament, and indeed in chambers in other parts of Australia, are entirely matters for those particular chambers to establish, continue or alter as they see fit. But I will answer to the chamber for the practices and conventions in this chamber and I have been appalled at the breaches that we have seen in the last 12 months.

PAIRING ARRANGEMENTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): Supplementary: can the Leader of the Government inform the chamber of the last time he can recall, once a pair having been granted, it being deliberately broken by one side?

The Hon. R.I. LUCAS (Treasurer) (14:40): I can only speak for this particular chamber in relation to the practices in the Legislative Council, and the practices are as I have outlined them. They have been changed or altered by the new Leader of the Opposition and the new whip in this particular chamber.

HOSPITAL BEDS

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): My next question is for the Minister for Health and Wellbeing. Given that under the minister's watch paramedics are saying that ambulance ramping is worse than it has ever been, will the minister reopen the two wards: 25 beds at the Hampstead Rehabilitation Centre and 16 beds at the Flinders Medical Centre, which he closed late last year?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): Let's be clear, the health system is run by a range of chief executives across the network. They make decisions on how best to manage their beds. In relation to information I can provide the council, I can advise the council that the relevant chief executive in relation to the Hampstead facility actually addressed this matter in the last day or two. The point she made—

Members interjecting:

The PRESIDENT: Order! I am having trouble hearing the minister.

The Hon. S.G. WADE: —was that the beds at Hampstead are available to be opened if needed, but it's important to make sure that the bed capacity actually would address the demand in the ED. Over January and in the RAH ED this morning, we have a high number of general medicine and mental health patients. That's the patient cohort that we are currently seeing having trouble getting appropriate beds. They are not the subacute patients that could benefit from Hampstead.

The problems that we have had in finding accommodation, particularly for forensic mental health patients, is exactly the reason why this government is committing to opening 10 new forensic mental health beds at the Glenside site. There are approximately nine forensic mental health patients a day who are waiting for a bed in emergency departments. Our initiative in that regard will help better flow through our hospitals, less overcrowding in EDs and reduce ambulance ramping.

HOSPITAL BEDS

The Hon. K.J. MAHER (Leader of the Opposition) (14:42): Why would opening 10 mental health beds help with flow and overcrowding in emergency departments, but not opening Hampstead wouldn't have the same effect?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43): The Leader of the Opposition seems to be missing the point about matching the beds with the need. The point that the chief executive of the local health network was making in relation to the Hampstead beds was that the beds available didn't match the current needs of the hospital. One was mental health, the other was subacute. The point I am making in relation to the 10 beds that we are opening at Glenside is that the forensic mental health needs of the people in the ED are assisted by the opening of those forensic mental health beds at Glenside.

My understanding from talking to the forensic psychiatrist and the forensic mental health service is that it will be a flow, and that the capacity of the Glenside site will allow us to, if you like, decant patients in the less acute phase of their illness onto the Glenside site and that will free up capacity at James Nash, which would allow the patients at the mental health unit at Royal Adelaide to transfer to James Nash.

HOSPITAL BEDS

The Hon. K.J. MAHER (Leader of the Opposition) (14:44): Supplementary arising from the original answer: is the minister aware that the chief executive of CALHN in the forum yesterday said that the 25 Hampstead beds could be helpful in the current hospital crisis?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:44): The fact of the matter is that the chief executive of CALHN has control over the network. She will make those decisions.

HOSPITAL BEDS

The Hon. K.J. MAHER (Leader of the Opposition) (14:44): Supplementary arising from the original answer, and the very start of the answer: does the minister have no control over hospital beds in any network, and is it entirely the chief executives who have control of the hospital networks?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): Considering the ranting of the Leader of the Opposition in relation to the fact that KordaMentha could get anywhere near a patient—

Members interjecting:

The PRESIDENT: Order! Order! Allow the minister to answer.

The Hon. S.G. WADE: —I think it is rather extraordinary that the Leader of the Opposition thinks that I should be directing management in relation to where to place patients. I can assure you that I do not get involved in clinical decisions.

HOSPITAL BEDS

The Hon. K.J. MAHER (Leader of the Opposition) (14:45): Final supplementary arising from the answer: isn't it the case, minister, that you will not reopen these beds because you need to save $41 million this financial year to comply with KordaMentha's directions?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): I'd encourage the Leader of the Opposition not to spread scurrilous rumours.

Members interjecting:

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

Members interjecting:

The PRESIDENT: Minister! Minister!

The Hon. S.G. WADE: If the Treasurer finds out that I can save $41 million by keeping one ward closed, I think he would be on me like a flash.

The PRESIDENT: I couldn't hear the minister's answer to your own question, Leader of the Opposition.

KORDAMENTHA

The Hon. C.M. SCRIVEN (14:46): My question is to the Minister for Health and Wellbeing—

Members interjecting:

The Hon. C.M. SCRIVEN: —when the opposite benches are willing to quiet down.

The PRESIDENT: Go ahead, the Hon. Ms Scriven.

The Hon. T.J. Stephens: So you're going to lecture us on behaviour, are you? That's a bit rich.

The PRESIDENT: Have you finished giving direction, the Hon. Mr Stephens? That's my job.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, let us not get into bad habits. The Hon. Ms Scriven, you have the call.

The Hon. C.M. SCRIVEN: My question is to the Minister for Health and Wellbeing. Will the minister guarantee the privacy of patients, the confidentiality of whistleblower complaints and clinician disciplinary procedures to be protected from interstate corporate liquidators?

The Hon. T.J. Stephens: You asked that question yesterday and were told exactly what was going on.

The PRESIDENT: The Hon. Mr Stephens, show some respect for your minister. Minister, you have the call.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I'm not aware of any corporate liquidators being engaged by SA Health, but let's put it this way: I expect that anybody who is exercising delegations under the Health Care Act or public service legislation complies with all of their duties.

KORDAMENTHA

The Hon. C.M. SCRIVEN (14:47): Supplementary: so will the minister guarantee that the external corporate liquidators, which are KordaMentha, are acting legally in sitting in on disciplinary or performance management meetings, recalling that the chief executive of CALHN yesterday said that she recalled at least one example of KordaMentha doing so?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): The honourable member needs to remember that the two people who are involved in executive contracts have delegations under the Public Service Act. In that role they have the right, as I understand it, to participate in some meetings.

KORDAMENTHA

The Hon. C.M. SCRIVEN (14:47): Further supplementary: so is the minister saying it is only those two people from KordaMentha who will be sitting in on such meetings?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): The fact of the matter is that all people under public service contracts will comply with public service policy and legislation. In relation to the other KordaMentha staff, they don't have power in relation to the Public Service Act.

The PRESIDENT: The Hon. Ms Scriven, a further supplementary.

KORDAMENTHA

The Hon. C.M. SCRIVEN (14:48): So to clarify: the minister is saying that only those two staff members of KordaMentha will sit in on such procedures, and no other KordaMentha staff have the possibility of doing so; is that correct?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): The legislation and the policy in relation to the public sector applies to those officers with executive contracts. The detail of which meetings, which documents and which records is a matter which I am very confident the chief executive of CALHN, as the relevant supervising CEO, is well aware of their responsibilities to comply and will ensure compliance.

The PRESIDENT: The Hon. Ms Scriven, your second supplementary sailed a little bit close to the wind there, bringing in new information. Please be mindful of my previous missive.

TOUR DOWN UNDER

The Hon. D.G.E. HOOD (14:49): My question is to the Minister for Trade, Tourism and Investment. Can the Minister for Tourism tell the council how the Santos Women's Tour Down Under continues to build the global profile of women's cycling from the South Australian stage?

The PRESIDENT: Minister, wait for the call. You now have the call. The Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:49): Thank you, Mr President. It's just early new year enthusiasm to get to my feet. I'd like to thank the honourable member for his question and his ongoing interest in cycling, especially women's cycling. Of course, as we know, the Santos Women's Tour Down Under took place from 10 to 13 January this year.

Fifteen teams competed, made up of 10 UCI women's teams, two national teams and three domestic Australian teams. A total of 90 riders from 23 countries, including 33 Australians, competed.

The women's peloton assembled arguably the strongest field of international female riders in the event's four-year history. We saw some of the best homegrown international female riders in action. Some of the key riders to grace our roads during the race were: Australian Amanda Spratt from the Mitchelton-Scott team, the two-time reigning Santos Women's Tour Down Under champion; Italian Elisa Longo-Borghini, from team Trek Segafredo, the 2016 Olympic Games bronze medallist; Finnish rider, Lotta Lepisto, from team Trek Segafredo, the seven-time Finnish national champion and two-time UCI World Championships bronze medallist; Australian Chloe Hosking, from the Ale Cipollini team, multiple Santos Women's Tour Down Under stage winner and 2018 Cadel Evans women's race winner; and South African Ashleigh Moolman-Pasio, from team CCC, the fourth-ranked rider in the 2018 UCI Women's World Tour.

It's the fourth edition of the UCI 2.1 women's race across four exhilarating days. Women's riders raced some 376.6 kilometres across the Ziptrak Stage 1, Novatech Stage 2, Subaru Stage 3 and southaustralia.com Stage 4, which, as members would know, coincided with the Tour Down Under Classic in the city.

This year was a year of several firsts. It was the first time that the Santos Women's Tour Down Under started in the town centre of Hahndorf. It was the first time that Birdwood and Nairne had featured as a start or finish location in either the men's or women's races. It was a first-time start in Nuriootpa for the women's race. Stirling featured as a finish location for the first time in the women's race, utilising a part of the famous Stirling circuit.

The Women's Tour Down Under overall general classification was won by Australian Amanda Spratt from the Mitchelton-Scott team for the third consecutive year and it was fantastic to see her honoured at the Legends Night Dinner. I think it is important to note the absolute excitement building around women's cycling. As I said earlier, there were more participants, more spectators. Even though some days were quite hot, there were significant numbers of spectators on the sides of the road. In fact, this year the Santos Festival of Cycling featured over 30 associated events, including four street parties in the city.

The revamped City of Adelaide Tour Village with enhanced programming was a key initiative for the 2019 event. I think it is important also to remember the regional towns being activated. I was at the start at Nairne on the Saturday morning and the town was chock-a-block full. Every little cafe and shop had a queue a mile long to get a coffee or a donut or an egg and bacon sandwich. A lot of those people stayed around, even after the race had started, and they hung around and put valuable dollars into those regional communities.

The Seven Network was a new broadcast sponsor and broadcast over 33½ hours of 2019 TDU programming across both the men's and women's races, which was a slight increase on the previous year's broadcast. While we are still awaiting the final broadcast figures and media reports, as to the opening stage of the men's event and the Classic in the city, Mark Beretta, the sports commentator who was here with Channel Seven, informed me that 300,000 people streamed that race live on their mobile devices, either on mobile phones or iPads. You can see that it's an event that continues to gain interest globally.

Stage 4 of the women's race was broadcast live in conjunction with the Down Under Classic, representing the first time that a women's race and the first time in years that the Classic had been seen live on free-to-air television. News Limited has pledged a commitment to work with the TDU to further increase the profile of the Santos Women's Tour Down Under through telling the editorial story with a commitment to daily race coverage and pre-event promotion. It has also committed to deliver the women's peloton photographic project for the third consecutive year. While the final figures are still being confirmed, an estimated 800,000 spectators, based on the official police figures, watched both the men's and women's 2019 Tour Down Under.

We are in a different space with the digital age. Website traffic grew by 14.8 per cent year on year and page views by 8.7 per cent. The increase in social media audience went up from 190,000 to 215,000 year on year, 26½ thousand more people engaged with the event over and

above the 2018 figures, and Instagram followers—and as we know, Mr President, this is as much about tourism as it is cycling—grew by over 10,000 throughout the whole TDU campaign.

It is another vote of confidence for the event that Santos renewed its naming rights sponsorship of the event for a further three years, lasting until the 2022 event. That is important, that Santos, the team led by Kevin Gallagher, was delighted to sponsor the event again and over a longer period of time. They see the value of it.

It is a world-class event, the biggest cycling event outside of Europe. Of course, I always remind members that it was a Liberal government initiative under then premier Olsen and former tourism minister Joan Hall that started this event, and it continues to grow.

The PRESIDENT: Minister, you have been going for well over four minutes. You have broken your own rules from your own leader. I am going to give you some leeway because it is the first day back. Is there much more?

The Hon. D.W. RIDGWAY: Can I finish with one sentence?

The PRESIDENT: Yes.

The Hon. D.W. RIDGWAY: Given this is the greatest cycling event outside Europe, I think it deserves more than four minutes, and I do apologise if I have gone slightly over four minutes. It is one of the greatest cycling events in the world and members opposite should sit and listen in silence.

The PRESIDENT: The Hon. Mr Ridgway, don't apologise to me, apologise to other members who can't get questions without notice, in particular crossbenchers and the opposition. The Hon. Mr Darley.

RELIGIOUS EDUCATION IN SCHOOLS

The Hon. J.A. DARLEY (14:56): My question is to the Treasurer, representing the Minister for Education. With regard to organisations that provide religious and cultural activities to schools, can the minister advise:

1. What oversight the education department has on these programs to ensure they are appropriate for children and are age appropriate?

2. Is the content of these programs audited?

3. Are there any standards or departmental policies on the content of these programs to ensure they are not being used to recruit new followers and that the focus is on comparative religious education?

The Hon. R.I. LUCAS (Treasurer) (14:57): I am happy to take that question on notice and bring back a reply.

KORDAMENTHA

The Hon. E.S. BOURKE (14:57): My question is to the Minister for Health and Wellbeing. Is the minister aware that the KordaMentha contract is expected to cost $47 million and that the contract has no dollars spent in South Australia, with the economic benefit to South Australia listed as nil?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): My understanding is that the honourable member's question is based on a fallacious assumption. There is only one contract in place for KordaMentha at the moment, as I understand it, and that is a one-year contract which expires at the end of this year. Any decision to go into any further arrangement will be a decision for the government at the completion of that contract.

KORDAMENTHA

The Hon. E.S. BOURKE (14:58): A supplementary: can the minister confirm whether the contract with KordaMentha at the moment of $47 million has any economic benefit at all for South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I think the KordaMentha contract has a huge benefit for the people of South Australia. It is the former Labor government that, over 16 years, got the CALHN network into such an appalling state that it was $300 million overspending its budget every year.

Let me explain that, for honourable members opposite. They set a Labor budget. They said, 'We think this is enough money to run the Royal Adelaide Hospital.' Then, the Central Adelaide Local Health Network went out and ran the hospitals for a year and spent $300 million more. When this government comes in and says, 'Well, the former Labor government said you could run it for $300 million less; we think you can run this hospital for $300 million less', somehow Labor says that is a cut. I am sorry, but that is facing the reality of financial mismanagement.

The 16 years of the former Labor government which completely ignored the financial responsibilities of the network is one of the reasons we are in such a mess in CALHN. It is a 29 per cent more expensive hospital than an average hospital around Australia, and there were repeated warnings to the former Labor government to act.

In 2012, there was a budget performance and remediation review by Deloitte. In 2015, there was an SA Health internal audit repeatedly saying, 'This ship is sinking.' So what did the former Labor government do with the Hon. Peter Malinauskas as minister and the Hon. Chris Picton as the assistant health minister? They just merrily go along. And now the other side of the election, when we are trying to steady the ship to make it a sustainable quality health service, they want to yap from the sides. Well, this government is not for turning. We have a responsibility to the people of South Australia to make sure that the health services are quality and they are sustainable.

KORDAMENTHA

The Hon. T.J. STEPHENS (15:00): Minister, are you aware of the comments made by Mark Mentha yesterday with regard to the disgraceful position—

The Hon. I.K. HUNTER: Point of order, Mr President: I believe the honourable member is introducing new information in his supplementary.

The PRESIDENT: I haven't heard the full question yet, the Hon. Mr Hunter. The Hon. Mr Stephens, please ask your question.

The Hon. T.J. STEPHENS: Minister, are you aware of the comments made yesterday by Mark Mentha of KordaMentha—KordaMentha has been mentioned a number of times—with regard to the state of CALHN?

The PRESIDENT: I will allow the question, the Hon. Mr Hunter.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): Well, the honourable member is directly relating it to the issue raised about the benefit to the state—

The PRESIDENT: Minister, I don't think the Labor opposition have anything to complain about.

The Hon. S.G. WADE: —of having Mark Mentha, a part of KordaMentha, having a good look at these books. This a team of tremendous experience. Let's remember that this is the team that helped save Whyalla—the birthplace, I understand, of the honourable member. They are a highly respected firm and for them to be able to say that they have come in and looked at the Central Adelaide Local Health Network and that it is the 'most broken organisation' they have seen in 40 years, and that the use of public money there is a 'shameful waste of taxpayers' money', is nothing other than sobering.

What I found particularly striking and particularly encouraging by the comments that were being made repeatedly in recent days is the importance of cultural change. What was fascinating when you were listening to Lesley Dwyer and to the other members of the turnaround team who were at the committee yesterday was that they put cultural change first. They accept the fact that you can't have an organisation working well financially if it is not working well culturally, so what they said is, 'Fundamentally, we are here about changing the culture.'

What that says is what a toxic state this network was left in after 16 years of Labor. That means nurses and doctors being bullied, that means doctors working horrendous hours because the rosters are not being managed. It is one thing for Labor to claim to be a friend of the worker but over 16 years they turned this hospital network into a parlous state. This government will continue to work to turn the Central Adelaide Local Health Network around culturally and financially. That will be to the benefit of the taxpayer, but most importantly will be to the benefit of the workers in that network and the patients that they serve.

KORDAMENTHA

The Hon. E.S. BOURKE (15:03): I have a supplementary question. Can the minister confirm: of the 13½ staff employed by the KordaMentha contract, how many of them are from South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03): I fail to see how that is a supplementary—but I am happy to take it on notice; I don't know the answer so I will take it on notice.

The PRESIDENT: Minister, I am allowing members some generosity today since they haven't had time to absorb my missive earlier. The Hon. Ms Bourke.

KORDAMENTHA

The Hon. E.S. BOURKE (15:03): With this year's contract stipulating that $13.9 million for 13½ KordaMentha staff, an average of over $1 million per person, will the minister advise whether these are the highest paid people working in any government in this country?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): I think it is quite misleading for the honourable member to phrase her question that way. The information that was provided to the committee made it clear that the contract price includes a range of inputs, including KordaMentha people who are not directly engaged in the team but, more importantly, independent industry experts. That is one point I would make.

The second point I would make is that the Central Adelaide Local Health Network, under the leadership of Lesley Dwyer and a very strong board, which is overseeing this project, have made sure that, unlike the $50 million that the former Labor government spent on four consultants I think over the last five years, we are going to make sure that we invest in our people. That is why in the KordaMentha team there are currently—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —I understand, I think, 18 CALHN people posted to that team. So 18 CALHN people are developing their skills and will be able to take them forward. The former Labor government failed to manage the Central Adelaide Local Health Network. A major issue was a lack of investment in management skills in that network. The KordaMentha project, the turnaround plan, is being managed to make sure that we strengthen the network and not demoralise it like Labor did.

KORDAMENTHA

The Hon. E.S. BOURKE (15:05): A further supplementary: did this $18.9 million-plus contract offer the most affordable price of all bids for this contract?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:05): The contract was awarded according to a robust procurement process.

KORDAMENTHA

The Hon. E.S. BOURKE (15:05): A further supplementary: will the minister advise whether there were other contractors whose bid for the project did have an economic benefit to South Australia, as opposed to KordaMentha, who had nil?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): Is the member really saying that I as a minister should meddle in procurement processes?

The PRESIDENT: Don't debate the question, minister.

The Hon. S.G. WADE: I don't have that detail.

Members interjecting:

The PRESIDENT: Order! I cannot hear the minister answering the Hon. Ms Bourke's question. The Labor whip and Leader of the Opposition, show respect for one of your own frontbench.

The Hon. S.G. WADE: As I said, I am happy to take it on notice.

The Hon. K.J. Maher: Don't ask any questions.

The PRESIDENT: I like to hear the minister and not the Leader of the Opposition. Restrain yourself. Minister, do you have anything more to add?

The Hon. S.G. WADE: I can do it three times.

The PRESIDENT: Just by way of passing commentary, the supplementary did include certain assertions, and the minister debated the answer. So some certain points for reflection between now and the next question time. The Hon. Ms Lee.

WOMEN HOLD UP HALF THE SKY AWARD

The Hon. J.S. LEE (15:07): My question is directed to the Minister for Human Services about an award program to recognise outstanding contributions made by women in our community. Can the minister please provide an update to the council about the importance of recognising the achievements of women through the Australia Day Council of South Australia's Women Hold Up Half the Sky Award?

The Hon. R.P. Wortley: Hundreds of disabled kids can't do swimming now.

The PRESIDENT: Have you finished, the Hon. Mr Wortley, because I would like to hear the minister?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:07): I thank the honourable member for her question and for her interest in this important event. The Women Hold Up Half the Sky Award has been running for nine years now and was an initiative of, I think it was, the former minister for the status of women, the Hon. Gail Gago, and it certainly has multipartisan support. This year it was awarded at the Australia Day event at Government House on 21 January, and we do thank the Governor and Mrs Le for their generosity in hosting these very important events.

The other events that were presented that evening were the state Citizen of the Year Awards, the Award for Leadership and Languages and Cultures, and this particular award that I have been asked about. It is a significant year as we commemorate the 125th Anniversary of Women's Suffrage in South Australia, when in 1894 women won the right to vote and to stand as members of parliament.

Obviously, throughout history women's achievements have not been as well recognised, so it is very important that we have these specific awards. The Office for Women's honour roll is also an important way that we can recognise the achievements of women and give them public recognition.

The winner of this year's award was Ms Emmah Evans, who is an ambassador for the Cure4CF Foundation for cystic fibrosis, which was established in 2009 with the primary goal of finding a cure for cystic fibrosis. Cure4CF seeks to achieve its goal by raising and directing funds to the most promising scientific research.

Emmah herself has lived experience. She was diagnosed with cystic fibrosis shortly after birth, and she is leading an extraordinary life. She is the mother of two children, which she had been told would be a challenge, and she has achieved it. She is a volunteer, a blogger and a committed advocate for people living with cystic fibrosis.

Her role as an ambassador led to her being instrumental in a campaign to have the drug Orkambi added to the Pharmaceutical Benefits Scheme. This was a lengthy campaign over many years and resulted in the achievement in October of last year of Orkambi being added to the

Pharmaceutical Benefits Scheme so that Australians living with cystic fibrosis are able to improve their quality of life and reduce the demands of hospital visits.

Emmah's dedication to this campaign whilst managing her own health demands on a daily basis has proven why she is a deserving award winner. She is now improving other people's lives as well as her own. She also supports the greater cystic fibrosis community by her social media blog CF Mummy, and she is in high demand as a speaker at many events. She has also published a book entitled *The Words Inside* which was published in 2016 when she was just 18. I congratulate Emmah and endorse her winning this year's award.

LAWYER INFORMANTS

The Hon. C. BONAROS (15:11): My question is to the Minister for Health and Wellbeing representing the Minister for Police, Emergency Services and Correctional Services. The High Court of Australia has described the use of lawyers as informants who are breaching their duties to their client and the court and breaching client-lawyer legal professional privilege as 'atrocious and appalling'. It has also said that the Victorian Police's use of 'lawyer X' was reprehensible conduct, and that has now been made the subject of a royal commission by Premier Daniel Andrews.

In a statement issued on the weekend, SA Police did not rule out the possibility that lawyers had been used as informants in SA prosecutions. Today, it was reported by the chair of the South Australian Bar Association Criminal Law Committee, David Edwardson QC, who has written to the police commissioner stating that 'the courts, the legal profession and the people of South Australia are entitled to an immediate assurance by SAPOL that this corrupt practice has never been deployed in this state'.

Can the minister confirm if SAPOL has or has had any lawyers registered as informants and whether SAPOL has ever used lawyers as informants in South Australian police prosecutions and, if so, how many, and whether any lawyer who has acted as a police informant in South Australia will be referred to the Legal Professional Conduct Commission? Lastly, does the minister propose to introduce legislation that expressly prohibits lawyers from acting as informants?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): I thank the honourable member for her question. The matters that the honourable member raises are matters for the police commissioner. I'm advised that the Minister for Police has spoken with SAPOL and they have assured him that they operate with the highest of integrity. The Minister for Police hopes and trusts that lawyers do the same.

In relation to the matters that the honourable member raises which I have not addressed in the answer, I will refer those matters to the Minister for Police and seek a further answer.

CENTRAL ADELAIDE LOCAL HEALTH NETWORK

The Hon. J.E. HANSON (15:13): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about CALHN legal advice.

Leave granted.

The Hon. J.E. HANSON: Yesterday, it was revealed by CALHN that they are paying an interstate law firm Arnold Bloch Leibler to provide them with legal advice on industrial relations matters, despite having access of course to Crown law advice and many other South Australian-based law firms. My questions to the minister are:

1. Does the minister believe that there are no lawyers in Adelaide capable of providing competent advice on industrial relations law?

2. Has the minister lost faith in the advice he receives from Crown lawyers?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:13): My understanding is that these issues were canvassed in a meeting of the Budget and Finance Committee and, if memory serves me rightly, the honourable member is asking the questions that the honourable member asked yesterday. I suggest that he refers to those answers and if his committee needs further information they might want to put further questions.

CENTRAL ADELAIDE LOCAL HEALTH NETWORK

The Hon. J.E. HANSON (15:14): Supplementary: I am tempted to go to a governance matter, given I think that was raised, but I will go instead to a process matter. Will the minister advise what the industrial relations matters are that the chief executive of CALHN referred to yesterday in some meeting? Why is an interstate legal firm best placed to resolve these matters rather than South Australian lawyers?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): Considering the honourable member is asking me to what matters the chief executive of CALHN was referring, I will seek an answer from the officer and provide it to the honourable member.

The PRESIDENT: The Hon. Mr Hanson, I have given you some latitude.

CENTRAL ADELAIDE LOCAL HEALTH NETWORK

The Hon. J.E. HANSON (15:15): Thank you for the latitude. Can the minister, while he is seeking that, also find out how much has been spent on interstate private lawyers Arnold Bloch Leibler in addition to the $20 million that has been spent on corporate administrators KordaMentha?

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

MENINGOCOCCAL B STRAIN VACCINATION

The Hon. J.S.L. DAWKINS (15:15): My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on the progress of the meningococcal B vaccination program?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): I thank the honourable member for his question. Last year, the Marshall Liberal government announced a free meningococcal B vaccination program for children and young adults, the first of its kind not just in Australia but, in relation to young adults, the first in the world.

While a meningococcal C vaccination program has been in place in all Australian jurisdictions since 2003 under the National Immunisation Program, and a meningococcal ACWY vaccine has just been added for one year olds and teenagers, vaccination against meningococcal B has not previously been included in any government vaccination program.

In the absence of this vaccine, our state has seen 257 cases of meningococcal B in South Australians aged under 21 between 2000 and 2019, with 27 cases last year. Young adults and babies under four made up 46 per cent of these cases, while 40 per cent were adolescents aged 15 to 20. Tragically, they also include the deaths of 10 young people.

In response to these facts, the Marshall Liberal government commissioned a group of clinicians and immunisation experts to develop options for a meningococcal B vaccination program. Based on that expert report, the government established a program. Infants received their first vaccinations last year and, in a world-first vaccination program, the first adolescents began receiving their vaccinations less than two weeks ago, as the government fully delivers on this groundbreaking program.

The program, as I said, targets the two most at-risk groups, and it is estimated that it will prevent 12 cases of meningococcal B every year. The ongoing program will target infants and students in year 10, ensuring our at-risk children and young adults are included. The immunisation program will include a catch-up program for children aged 12 months to 4 years, as well as year 11 students and young adults aged 17 to 21. The catch-up program will run until the end of this year.

I encourage all parents to have their children vaccinated. For adolescents in years 10 and 11, vaccinations will be available through the School Immunisation Program. For other eligible age groups, parents and young adults are encouraged to talk to their GP or immunisation provider.

MURRAY-DARLING BASIN ROYAL COMMISSION

The Hon. T.A. FRANKS (15:18): I seek leave to make a brief explanation before addressing a question to the Treasurer, as the Leader of the Government in this place, on the topic of the South Australian Murray-Darling Basin Royal Commission.

Leave granted.

The Hon. T.A. FRANKS: Members would be well aware, and I am sure the Treasurer is well aware, that the royal commission report has now been handed down and its findings have been made somewhat public. However, in getting to this stage we have seen extraordinary communications between the Marshall government ministers, which have led the royal commissioner to criticise the Attorney-General as 'wrong, discourteous and inappropriate', asking for her statement to be 'completely withdrawn'.

In addition, the Treasurer has noted that while the royal commission was being undertaken the royal commissioner was being paid $10,000 a day, and has drawn public attention to a charter flight between Sydney and Bourke of some $12,000 as part of the commissioner's expenses. Finally, we note that it was reported that the royal commission report was only to be put on the Department for Environment and Water's website for some eight weeks at the initial stage. That has now, I believe, been extended to a year. My questions to the Leader of the Government in this place are:

1. Is it convention to criticise a royal commissioner in this way?

2. What role did you play, as Treasurer, in releasing individual costings of the amount the commissioner was earning per day or the costs of individual items of his expenses, such as that flight between Sydney and Bourke?

3. How long will the royal commission report be on the Department for Environment's website?

4. Why did this government not today table that royal commission report and how can we, as a council and representing the people of South Australia, expect this government to hold those royal commission recommendations with the esteem that they deserve when you have not abided by convention in the treatment of this royal commission process?

The Hon. R.I. LUCAS (Treasurer) (15:20): I am happy to have a look at some aspects of the honourable member's question. Perhaps I misheard the honourable member's question. My understanding is the royal commission report has been made publicly available. Perhaps the question from the honourable member was about tabling in the parliament.

The Hon. T.A. Franks: It was.

The Hon. R.I. LUCAS: I am happy to have the discussion with the honourable member as to what the difference is. It was made publicly available very soon after it was received by the government, so I don't think the government could be accused in any way of not being transparent or accountable in relation to the release of the report. I am happy to have a discussion with the honourable member as to the significance of tabling it in the house and how that assists her in considering the report, as opposed to being able to read it as quickly as she was able to when the house wasn't sitting and having it made available publicly in whatever way it was made publicly available.

In relation to the costs of the royal commission, my recollection was that I was asked a question about costs from somebody in the media. As is my wont, I am always happy to try to be open, honest, transparent and accountable. If I am asked a question, I endeavour to respond to the question, particularly when it involves the expenditure of precious taxpayers' money. I would have thought the Hon. Ms Franks and the Greens would be wholeheartedly in support of honesty, openness, transparency and accountability in terms of the expenditure of taxpayers' money.

That was my recollection; I don't think there is anyone in the community who would see answering a question and providing factual information, which no-one has challenged because they can't—it's a statement of fact as to what the costs were—in any way impugns the integrity or misleads anyone about the operations of the royal commissioner or the royal commission. I will always, to the

extent that I can, answer questions openly, honestly and transparently, and I will always be, to the extent that I can, accountable for the expenditure of precious taxpayers' money.

There is no doubting that this was, as all royal commissions tend to be, a very expensive royal commission. I think subsequently there have been comparisons to the costs the former Labor government agreed to with this particular royal commissioner. The costs per day were significantly higher than other recent royal commissions, which we are all familiar with and which were eminent pieces of work by eminent former judges on very important issues. The work in most of those areas hasn't been and wasn't criticised by people in terms of the quality of the work and they were conducted at a significantly lower cost than the cost of this particular royal commission. I certainly reject any notion that answering a question from the media openly and honestly as to what the costs were in any way impugns the integrity of the royal commissioner or the royal commission.

As I said, if I have misunderstood the honourable member's question, I will correct the record later, but if the issue is in relation to the tabling of the royal commission, I will seek advice from the government to see whether or not the intention is to table it in some way. But in no way will the tabling—in my humble view, anyway—assist any greater inspection or transparency or accountability of the royal commission report given that it was made available publicly very soon after the government got it, and available not just to members of parliament but to anyone who wanted to read it.

MURRAY-DARLING BASIN ROYAL COMMISSION

The Hon. T.A. FRANKS (15:25): Supplementary: can the Treasurer absolutely guarantee that he in no way proactively released those pieces of information about the royal commission expenses but, indeed, all were in response to requests for that information from the media?

The Hon. R.I. LUCAS (Treasurer) (15:25): Certainly, from my viewpoint, I responded to requests for information, but even if I hadn't, there is nothing that is wrong in principle with a treasurer of a state or a federal government releasing factual information in relation to the expenditure of taxpayers' money. My recollection, is in relation to these particular circumstances, I was asked the question and I answered it. As I said, even if that wasn't the circumstance, there is nothing wrong, unlawful or improper in any way in terms of providing factual information about the expenditure of what was going to be somewhere between $5 million and $8 million of taxpayers' money.

MURRAY-DARLING BASIN ROYAL COMMISSION

The Hon. T.A. FRANKS (15:26): Supplementary: is the Treasurer confident that all the actions that he took are compliant with the Royal Commissions Act 1917?

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

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

MURRAY-DARLING BASIN ROYAL COMMISSION

The Hon. R.P. WORTLEY (15:26): When I tried to get a copy of the commissioner's report after being tabled, why was I basically told that there was a very limited—

The PRESIDENT: This is a matter of personal explanation in a supplementary. Just please, the Hon. Mr Wortley, ask your supplementary.

The Hon. R.P. WORTLEY: Why weren't all members of parliament given a copy of the royal commission's report?

The Hon. D.W. Ridgway: But you told us before you never read reports.

The Hon. R.I. LUCAS (Treasurer) (15:26): Mr President, I won't go down that particular path, as delicious as that interjection might have been in relation to the Hon. Mr Wortley saying he couldn't trust himself to read his own reports. I don't know why the Hon. Mr Wortley was unable to get a copy of the royal commission report. It was certainly publicly available. If it pleases the member, I will see whether there is not a spare copy somewhere. If we do find a spare copy and give it to him, I will be asking questions afterwards of the honourable member just to make sure he did read it.

The Hon. D.W. Ridgway: Do you want it delivered to Scuzzi or something more convenient for you?

The PRESIDENT: Are you finished, the Hon. Mr Ridgway?

The Hon. R.P. WORTLEY: You just worry about our trade exports, mate, for the state.

The PRESIDENT: The Hon. Mr Wortley, I am waiting patiently here to give you the call for your question. Have you finished your private conversation with the Hon. Mr Ridgway? Yes? The Hon. Mr Wortley.

HEALTH SAVINGS

The Hon. R.P. WORTLEY (15:27): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health savings.

Leave granted.

The Hon. R.P. WORTLEY: Yesterday, the CALHN chief executive officer refused to say she was confident that the savings promised by KordaMentha would be achieved, saying that 'confident' is always a very difficult term. My question to the minister is: is the minister confident these savings will be achieved?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:28): Yes.

The Hon. R.P. WORTLEY: Supplementary.

The PRESIDENT: It's going to be very difficult to get a supplementary up, even within the rules of leeway, but I'm allowing it. I am going to show you, as a former President, courtesy.

The Hon. K.J. Maher: The precedent today makes it very difficult.

The PRESIDENT: That wasn't a precedent, Leader of the Opposition.

The Hon. R.P. Wortley: Mr President, you are interrupting while I am trying to ask a supplementary, but I appreciate your protection.

The PRESIDENT: I am the only person entitled to.

HEALTH SAVINGS

The Hon. R.P. WORTLEY (15:28): As a part of the KordaMentha savings, the CEO said the work of some CALHN staff should be conducted by the community instead. Will the minister advise whether these jobs—

Members interjecting:

The Hon. R.P. WORTLEY: It all goes to the savings. Will this mean job losses for those staff and how many staff may lose their jobs to private providers?

The PRESIDENT: Minister, I will allow you to answer that question if you feel you wish to answer it, but it's not within the standing orders.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:28): I just can't resist the temptation not to answer it—

The PRESIDENT: So I will give you the privilege, minister.

The Hon. S.G. WADE: —because what it does again is show the ignorance of the people on the other side. My understanding of the conversation in the committee yesterday was that a member of the opposition asking a question assumed that care in the community meant that that was privatisation. Community care—what she is referring to is acute level care, subacute care in the community outside the hospital. That is done every day by public health, SA Health, public sector, nurses, doctors, ambulance officers.

So if the honourable member is really suggesting that I should direct that no health professional in South Australia should provide any health care outside the hospital, I'm sorry, you're not going to get it from me.

The PRESIDENT: The Hon. Mr Wortley, I am not allowing you a second supplementary, no.

The Hon. R.P. WORTLEY: This is directly related to the answer.

The PRESIDENT: Please be seated. Your first supplementary was completely out of order and broke every rule that I commented on before question time. I gave the minister the courtesy to answer. You cannot ask a supplementary on the answer to the supplementary. Your fellow members on the opposition benches can ask your important question later if I give them the call.

TENNIS

The Hon. T.J. STEPHENS (15:30): My question to the Minister for Trade, Tourism and Investment is: can the minister tell the chamber how South Australia is positioning itself on the international tennis calendar?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:30): I would like to thank the honourable member for his ongoing interest in international sport and particularly tennis. As members opposite would recall, on 2 February this year the Marshall government announced a partnership between Tennis Australia, Tennis SA and the South Australian government to deliver a redeveloped Memorial Drive facility and to secure for five years the hosting of an ATP and WTA event. This exciting announcement positions us on the international tennis event calendar, securing an internationally sanctioned combined men's and women's tour event.

The ATP/WTA event will take place over seven days in the second week in January, commencing in 2020. It will directly precede the Australian Open, with 12 to 14 day/night sessions to be held in a multiple match format across multiple courts. The ATP/WTA event has been locked in for the next five years, with events being staged from 2020 to 2024. The event is expected to attract more than 120 of the world's top singles and doubles players and offer a minimum of $2 million in total prize money. It is also expected that this event will attract approximately 50 ATP and WTA officials, 100-plus accredited media, 60 event staff and some 200 volunteers.

The WTA event is one of the highest profile and strongest female tennis events in the world. It will see one of the strongest fields outside the grand slams playing here on our own Memorial Drive courts. The week-long tournament is estimated to attract a total attendance of some 80,000 per event and deliver between $6 million and $8 million in visitor expenditure into the state's economy. The ATP/WTA event will be broadcast to a global television audience from some 200 countries.

A $10 million grant will be provided to Tennis SA for the construction of a canopy over the centre court of Memorial Drive. The canopy will increase the capability for the venue to host a range of events year round and accommodate year-round training for South Australia's developing tennis talent and its current high-performance athletes and provide community access to undercover facilities.

This investment complements the $10 million provided by the federal government to deliver new satellite courts across the Memorial Drive precinct that are necessary to host international tennis events. The canopy redevelopment at Memorial Drive will not only provide upgraded facilities for the ATP/WTA event, it will increase the capability of the venue to host a range of events year round, including live entertainment, concerts, community events and a live site for the Adelaide Oval for the likes of the AFL, NRL, cricket and soccer. This is fantastic news for our state, fantastic news for tennis, and I look forward to seeing the event next year.

AGED-CARE REFORM

The Hon. F. PANGALLO (15:33): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing, the Hon. Stephen Wade.

Leave granted.

The Hon. F. PANGALLO: The royal commission into aged care started hearing evidence in Adelaide this week. The first two witnesses were Barbara Spriggs and her son Clive, who recounted the harrowing treatment of Mrs Spriggs' husband at Oakden. They made two recommendations for the commissioner to consider: the introduction of CCTV cameras, which they

said could have prevented much of the abuse that went on at Oakden, and a national register of carers in the aged-care industry who had proven complaints of abuse or poor work standards.

Since introducing my private members' bill that would allow CCTV cameras, I have been contacted by several constituents with complaints about poor standards, including allegations of abuse and assaults against residents by other aggressive residents. There has also been a litany of articles in the media highlighting abuse. My questions are:

1. Is the minister considering running a trial of CCTV cameras in state operated care facilities? If not, will he now consider acting on it?

2. What is his view on a register of carers and aggressive residents?

3. Will he consider legislation for a state-based register?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:34): If I may, I might answer the second question first. I am very respectful of the fact that the primary responsibility for residential aged-care facilities in Australia is with the commonwealth government and the commonwealth parliament. I note that on its face it appears that the honourable member's drafting of the bill that is before this place is to respect that constitutional demarcation of responsibilities. Whilst I am happy to seek further advice, my presumption would be that any register of carers and disruptive residents in relation to residential aged-care facilities would be seen to be relating to residential aged care and, therefore, a matter for the legislative competence of the federal parliament and the commonwealth government.

In relation to CCTV, that's a different matter. The honourable member has a well-known interest in CCTV and my recollection is that I have been asked questions in this house before. In terms of South Australian law, I am advised that the Attorney-General's Department indicates that there is nothing under the South Australian Surveillance Devices Act which is a barrier to using optical surveillance devices in residential aged-care facilities to safeguard an individual's lawful interests, provided that all parties have consented to being filmed.

The optical surveillance devices are already used in at least two South Australian SA Health facilities that I am aware of. Both of those are in common areas rather than in private areas. I am advised from people within the industry that CCTV is common in private facilities and there was even a report recently, as I understand it, of a private CCTV in a private nursing home which had been maintained by the mutual consent of the proprietor and the family but that the dispute was arising because the facility wanted the device removed. So I suspect it's already happening and I believe it's happening lawfully.

But what the honourable member has done is to highlight the evidence before the federal royal commission, and hopefully I'm not infringing any standing orders by engaging in that conversation. I certainly honour the advocacy of the Spriggs family and express my grief again at their loss. As the honourable member has indicated, the Spriggs family have been consistent advocates for CCTV and there are a number of other South Australians who are prominent advocates, people such as Mr Stewart Johnston and Ms Noleen Hausler, whose father's abuse was highlighted through the use of CCTV.

The South Australian government is currently exploring what further role CCTV could play in residential care facilities. I recently met with Care Protect, a company that provides an independent CCTV monitoring service in the United Kingdom, and I acknowledge the facilitation of the Hon. Frank Pangallo. In terms of a pilot, I certainly have discussed the possibility of a pilot but that's a matter that needs to be considered. It's a matter that I would need to take to cabinet.

ROYAL ADELAIDE HOSPITAL

The Hon. I. PNEVMATIKOS (15:39): My question is to the Minister for Health and Wellbeing. Will the minister advise whether CALHN or KordaMentha staff have put pressure on doctors at the RAH to work beyond their standard hours without the appropriate remuneration?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:39): Would the honourable member mind repeating that question?

The PRESIDENT: Would the honourable member please repeat the question.

The Hon. I. PNEVMATIKOS: Will the minister advise whether CALHN or KordaMentha staff have put pressure on doctors at the RAH to work beyond their standard hours without the appropriate remuneration?

The Hon. S.G. WADE: I am not aware of any such case.

KORDAMENTHA

The Hon. T.J. STEPHENS (15:39): My question is to the Minister for Health and Wellbeing. Does the minister agree that KordaMentha is one of the most respected of organisations and that it has done an amazing job saving the people of Whyalla and South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:40): The honourable member raises a very interesting point. Before 17 March the Labor Party regarded KordaMentha as a team that helped save Whyalla—and indeed it was part of that very important journey—yet on the other side of the election the Labor Party seems to regard KordaMentha as an object of ridicule. Some of the low-rent attacks made were pathetic.

You have to ask: why does the Labor Party hate KordaMentha? Does the Labor Party hate KordaMentha because it is calling out the abusive use of agency staff, where up to 25 per cent of nurses in a ward could be agency staff? Does the Labor Party actually hate public sector nurses so much that it wants to protect the agency nurses in our hospitals, or could it be that the Labor Party hates KordaMentha because under its watch billing was so appalling that there were 8,000 separations that had not been billed?

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, restrain yourself.

The Hon. S.G. WADE: Who is going to benefit from that? The commonwealth is, the private health insurance industry is going to benefit from that, so I don't really know why the Labor Party hates KordaMentha so much. I hate to think that it is standing up for private sector nurses, the commonwealth government and the private health insurance industry funds, but the facts do not disagree with that presumption.

Bills

STATUTES AMENDMENT (CHILD EXPLOITATION AND ENCRYPTED MATERIAL) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 December 2018).

The Hon. M.C. PARNELL (15:42): Child exploitation is an abominable crime. Perpetrators deserve the harshest punishment and our law enforcement officers need every tool to identify and track down perpetrators, including those involved in the insidious online trade in child exploitation images and videos. In my view, the perpetrators of these serious crimes are the scum of the earth, and I have little sympathy for them. I expect most right-thinking people would agree.

However, other crimes that do not involve child exploitation attract very different reactions within the community, and they require very different responses. That is what makes this bill so insidious. Tacked onto a bill that deals with some of the most abhorrent crimes imaginable are other measures that are overwhelmingly unrelated to child exploitation. These measures are tacked onto the bill and we are told it is a package of responses that must be passed together.

I think this approach is disingenuous and dishonest. It is calculated to put unreasonable pressure on members of parliament who are, quite rightly, fearful of being accused of being soft on child exploitation if they do not support the whole of the bill. It is an all too common political tactic: you take a new law that everyone can agree with, tackling child exploitation, and you tack onto it other measures that are far more contentious and may bear no relationship with the expressed primary aim of the bill.

It is these provisions that the Greens want to see further debated and which we think should effectively be removed from the bill before it is passed. We are happy to give police the powers they have requested in relation to child exploitation, including the so-called encryption provisions, but we want the laws limited to that purpose until we can have a proper debate in the community about our digital privacy rights and the boundaries of police authority to force the unlocking of electronic devices.

In a nutshell, the so-called encryption measures in this bill provide that a magistrate, at the request of a police officer, can order that a person unlock a computer, phone or other device that contains or provides access to data, even in cases that have absolutely nothing to do with child exploitation, and it is these measures which we oppose. We have no problem with the parts of the bill that amend the Child Sex Offenders Registration Act 2006, the Criminal Law Consolidation Act 1935 or the Evidence Act 1929. These provisions all relate to child exploitation material and we support their passage.

The problem area is part 5 of the bill which inserts a new part 16A into the Summary Offences Act 1953. These provisions relate to data that is held electronically and, in particular, data that is password protected, encrypted or otherwise not accessible without a code or a key. The main provision is a new law requiring people subject to an order from a magistrate to provide access to electronic data on pain of a maximum five-year penalty for refusing to comply without good reason. In simple terms, it is up to five years' gaol if you refuse to unlock your device and provide access to its contents.

The way the bill is framed in proposed new section 74BR, the trigger for a police officer to be able to seek an order from a magistrate is whether:

(a) there are reasonable grounds to suspect that data held on a computer or data storage device may afford evidence of a serious offence;

The definition of 'serious offence' in new section 74BN is:

(a) an indictable offence; or

(b) an offence with a maximum penalty of 2 years imprisonment or more.

The order issued by the magistrate does not have to be directed to a suspect in relation to a serious offence, it can be directed to anyone who they believe knows the passwords or has the ability to access the device or data. This could be a family member, it could be an employee or it could be an IT professional. The order need not identify any particular device. It does not even have to specify what information is being sought. In short, you can be ordered to unlock everything or risk five years' gaol.

The question that arises is: what is wrong with that? Why would we not want to give the police every possible tool to catch criminals? I think there are a number of problems with these provisions and I want to go through them one by one. I would point out at this stage that my concerns have also been expressed by the Law Society of South Australia. The society published a submission to the former attorney-general back in October 2017, which was when this bill was first introduced. As members might recall, it did not pass in that last parliament due to parliament being prorogued; it has effectively been brought back now, but the Law Society's concerns back then are pretty well the same as they are today.

The first problem that arises is what is known as the rule against self-incrimination. Members would know that in this place we have debated very many criminal offences and we have almost invariably included provisions that support the longstanding provision in our legal system that a person is not required to incriminate themselves and that it is the job of the prosecution to prove the case against them. There are some important exceptions, of course, but that is the general rule. That is why defendants are advised in their interviews with police that they do not have to answer questions that might tend to incriminate them.

The government says in response to that argument that these so-called electronic warrants are really no different to an old-fashioned physical search warrant, but I would make the point that they are in fact entirely different. The main distinguishing element is that, in terms of a traditional search warrant, the cooperation of the person being searched is not required. It does not take a

rocket scientist to realise that if police turn up at the door with a search warrant and say, 'It's the police here, we have a search warrant', and you say, 'Go away', you may get your door broken down. The police then enter and say, 'Can you unlock the filing cabinet to show us the contents?' and you refuse, well it is going to be jemmied open. You are not obliged to cooperate and that has been the law of the land pretty much forever.

The difference is that with these—let us call them electronic search warrants—the obligation on you is to cooperate to the extent, or in the event even, that you will incriminate yourself. You are legally required to assist the police to potentially incriminate yourself. If you do not, you are liable for up to five years' gaol. These are important considerations.

I make the point that the rule against self-incrimination is not absolute. There are some circumstances where parliament has decided that the public interest should prevail and the rule does not apply, but that has to be the exception rather than the rule. What we see in this bill is no such nuanced approach. If you are the subject of an order, you are legally obliged to unlock your devices and provide access to material, regardless of any consequences for you or for others.

The second problem is in relation to privacy considerations. When it comes to evidence of serious criminal offences, most people are not too worried about privacy, they think that prosecuting these offences should take priority. But we need to think a bit deeper because as we get further and further into the digital age increasingly the whole of our lives is digitally recorded. There is now a record of everything we write. There may still be some people with fountain pens; I cannot recall the last time I wrote anything significant with a biro or a pen. It is all written on computers, tablets and phones, and it is recorded digitally—everything we write.

There is a record of every person we talk to on the phone. In the past, I guess, the police may have gone to Telecom (or whoever it was back then) and got a register, if they could, of people who had used landlines and whatever. It is so much easier now; we nearly always use mobile phones for everything. There is a record of every person we talk to on the phone. With every person that we engage with through messaging services, there is a record. I know, from my private conversations with Liberal members, Labor members and Greens members, that most of us are using encrypted messaging services these days, we are trying to secure our internal communications, but all that stuff is on our devices and it is all subject to this bill.

Every photo we take, every diary entry, every appointment we make with someone, is now digitally recorded and subject, potentially, to these new laws. Possibly the most insidious of all: every single place that we go is recorded electronically on devices and would be available if a person was the subject of one of these orders and was forced to unlock, for example, their mobile phone. That information would certainly be of interest to the police in those small number of cases where they need to locate a potential suspect at the scene of a crime—you can sort of get that—but what we are really talking about are the movements of every other citizen at all times of the day or night.

I do not think I am Robinson Crusoe; I am rarely without my phone. If it is not in my pocket, it is on the bedside table. You only have to delve into the settings and have a look and it knows where you are, if you have your settings turned on. Which of us has not gone to the airport and, just as you enter the carpark, found that a message will come up, 'You have arrived at the airport; are you going overseas? Do you need any foreign currency?' I will not acknowledge the Hon. Ian Hunter putting up his hand, he does not use a smart phone in the same way as the rest of us, but for most of us every move that we make is tracked digitally. It is on our devices and it is potentially subject to these orders.

As I say, if the police were trying to locate someone at the scene of a crime, it might be useful information, but 99.9999 per cent of the time where we are at any particular given moment is of absolutely no interest to law enforcement authorities, yet that is information they will have access to.

That brings me to the next concern, which is that anything that is found on a device can be used and used against you. It does not matter that it was not what they were looking for. At first blush this might not seem problematic. If we go to the example of an old-fashioned physical search warrant, if the police believe that stolen goods might be at your property and they enter the property and what they discover instead is a crystal meth drug-making lab, most of us would think, 'Well, that's fair enough, of course you're going to get done for that', that would make absolute sense. But when you look at it in the electronic realm it raises a whole lot of issues.

The threshold test for whether one of these orders can be issued in the first place is that the police suspect that information in relation to a serious crime might be available—if they can convince a magistrate of that—but what they find on your phone is not evidence of a serious crime but evidence of something else; something else that might not be a crime at all; it might be something of purely prurient interest. The question is: what happens to that data? Can it be used?

I will give a couple of examples. Let's say that a person has dashcam footage from their car and they store it on their laptop. If they are forced to unlock the laptop will the police be able to scour through that information and use anything they find to charge the person with some other offence? Maybe you forgot to turn your headlights on until a few minutes after dusk.

We have all been in that position where you know that when the sun goes down you turn your headlights on, it is a safety measure in cars, but what if you had forgotten? What if the dashcam footage shows that you did not turn your headlights on in time? Maybe it showed that you were speeding. Maybe it showed that you went through a red light. Who knows what it would show? The question is: can the police use that information? It was not what they were looking for but it is what they found.

The police could not have got an order looking for that information because it does not relate to serious offences, but if they do not find what it was they were looking for and they do find this information instead, can they use it? I will put that question on the record for the minister to respond to in more general terms. What restrictions exist on the ability of the police to use material found on electronic devices for purposes other than the prosecution of a serious offence?

In terms of privacy the other thing we might want to think about is that some people include very private information on their electronic devices that are of no possible interest to law enforcement authorities. That might include personal photos, intimate text messages or even evidence of affairs or relationships that are of no business to anyone other than those involved. Again, I ask the minister to take that question on notice: what restrictions, if any, are imposed on the use of personal information that is disclosed on electronic devices that have no relationship to any crime, serious or otherwise?

Another concern is that the bill is not just in relation to police because, leaving aside other law enforcement officers like ICAC, there is a provision in here that says the police can take along anyone else they think might be handy, anyone else who might be able to help them. So you have, potentially, people who are not sworn police officers, they are not necessarily trained, they are not bound by any professional standards and yet they may be given access to electronic data that is obtained under an order.

Again, the question for the minister is: what restrictions, if any—I do not think there are any—are in place that limit the number of people or the range of people who can access this information? The order might be made by the police but the bill says that the police can get other people to help them access the data as well. These people, presumably, do get access to that data if they are successful.

There are a couple of other issues that I will raise: one relates to parliamentary privilege and one relates to journalist shield laws. These were two things that jumped out at me as potentially being infringed by these amendments. The first thing I would say in relation to parliamentary privilege is that most of us know that we inherited privileges through the Westminster system. It goes back to 1856, I think it is, and I understand, from my discussions with parliamentary counsel, that there is a provision in the constitution that we cannot expand on those privileges, but they have not been codified.

We do not have a privileges act as they do at the commonwealth level. However, most of us appreciate and accept that communications between constituents and members of parliament in relation to their parliamentary duties are privileged and are not something that is made available to law enforcement officers.

All of us here have received tip-offs from whistleblowers; all of us at some point have received email communications where people are alleging offences that have been committed by others, and we hold these communications in confidence. They are part of parliamentary privilege.

The question that then arises is how do those principles sit with this law? For example, if police manage to convince a magistrate that they believe a certain fictitious member of parliament may be in possession of stolen goods—or some such offence, just to make a hypothetical example—and they want to access the member's phone, tablet and parliamentary computer, the question arises can they do that? How do they do that?

It would seem to me that the first thing that they would probably do if they were determined to have access is ask the member. The member would probably say, 'No. My phone, my computer, my tablet contain information that is privileged.' They are communications between yourself as a member of parliament and constituents.

They possibly would not go to the MP; they would go across the road. They would go to the PNSG, the Parliamentary Network Support Group, and with their order in hand they would go to a public servant—who is, as I understand it, not directly employed by the parliament, certainly not employed by the members of parliament—and they would order them to unlock a member of parliament's computer, unlock every document that they have ever written, unlock every meeting they have ever held through their diary and unlock all of their emails, because the police have managed to convince a magistrate that they think a member might have information about stolen goods or some such thing. That raises very serious questions about privilege.

One amendment that I have moved is to include in this legislation pretty much the same provision that is included in the ICAC legislation, a provision that basically says that these laws do not derogate from parliamentary privilege. However, it is actually not quite that simple, because even though I have drafted that amendment, I do not intend to move it if my first set of amendments is successful.

My first set of amendments is to hold the government to the primary task that they have set, which is child exploitation. If this bill is confined entirely to child exploitation offences, then I do not particularly want to give members of parliament any protection in relation to those offences; I do not want to do that. I will only move an amendment in relation to parliamentary privilege if my first set of amendments is not passed.

The first set of amendments I see as an invitation to the government to accept what the parliament is saying about child exploitation material—I do not think there is any disagreement on that—but to defer to another day and a proper debate consideration on other crimes that might be appropriate to allow the police the ability to access computers.

I have no doubt that we could run through a list of crimes that people might think are appropriate. I am sure terrorism will be up there on the list, but at present I can just pick a couple of crimes that currently are caught by this bill. One is bigamy. I mean—really? That is punishable by two years in prison or more. To what extent is it of any great interest to order someone to unlock their device because there might be evidence of bigamy?

Another is sexual relations between two people, one of whom is one day over 17 and one of whom is one day under 17. You might have two people who are two days apart in age—that is 10 years' gaol. We know that the police are not chasing Romeo and Juliet. They are not out there looking for young lovers. They are not doing that, but technically this bill covers that situation—anything with more than two years' gaol.

There are other crimes; let's accept they are crimes. Someone goes into a shop and changes the price tag so they get the toaster a little bit cheaper. I do not know of anyone who has done that, but apparently it is done because there is a special Criminal Law Consolidation Act provision about changing the price tags in shops. The gaol time for that is more than two years. Is that the sort of offence that we think should be a trigger for a magistrate to be able to order someone, on pain of five years' gaol, to open up every electronic device they own because it may give evidence of the fact that they swapped tags, or someone swapped tags, in a shop?

People might think this is reductio ad absurdum. They might think it is taking it too far, but honestly we pass these laws in full knowledge of the consequences, and the consequences are that there is a range of these relatively minor offences. Yes, they are criminal offences, but should they be the trigger for a magistrate to order you to open up all your devices?

I will finish with this issue of journalist shield laws, because it struck me that, only last year, this parliament decided as a matter of principle that, in order for the fourth estate to operate correctly, journalists should be able to protect their sources. The question then arises as to how these laws interact with that. When I put it to parliamentary counsel, they suggested that an amendment was not required for the journalists because there is a provision in this bill that says that it is in addition to other laws.

It does not necessarily derogate from other laws, but it does not take a great deal of thought to realise that it could still be undone. You could still get a police officer going to a magistrate and the magistrate issuing an order against a journalist to access their devices. It may be that the device, let's call it a mobile phone, might have information about whistleblowers and sources or it might have other material on it as well. How on earth do we manage that impasse?

If the police find something that was not what they were looking for and all of a sudden say, 'We found the whistleblower. We weren't looking for that but we found it', how do they unknow that information? What is to stop them then using a circuitous route to go and find that person through some other avenue so that they can say, 'We didn't get it through the mobile phone, we got it elsewhere, it was just a lucky guess, we came across this person'? It does not take rocket science to imagine the number of scenarios. I think journalists are at risk as well.

I will just put a few more questions on the record for when the minister closes the second reading. Back in relation to parliamentary privilege, the question is does parliamentary privilege apply to documents affecting parliamentary business that are contained on a member's computer, phone or laptop? I think I know the answer and I think it is yes; not all information, but certainly parliamentary privilege applies to a lot of that information. Secondly, does it matter whether that information is physically held inside or outside Parliament House or inside or outside a member's electorate office? Does privilege still apply?

What is the situation for members' documents that are held on parliamentary servers, such as SharePoint or somewhere in the cloud that is managed by the Parliamentary Network Support Group (PNSG)? Would public servants employed by PNSG be caught by the legislation in relation to unlocking information that is held by or on behalf of members? Similarly, with our electorate staff, could the police go to the staff member of a member of parliament and order them, if they have the password to some device or cloud storage, to unlock it? I think these are very serious questions and I do not think they have been properly addressed.

I think the responsible approach for this house to take would be to accept that the primary evil we are trying to overcome here is in relation to child exploitation material. Let's deal with these insidious crimes, let's deal with these people, let's give the police the powers they have asked for. The broader question about the circumstances in which the police should be able to order the unlocking of phones and devices, whether for regular citizens, journalists or members of parliament, let's have a proper debate about that.

Effectively, what I am inviting the government to do is to split the bill. My amendments effectively seek to do that. It confines the encryption provisions to child exploitation cases only and, as I have said, if that amendment is unsuccessful, then I have a catch-all provision that relates to parliamentary privilege, at least. I think our democracy will suffer if members of the public cannot fully trust that they can communicate privately with their members of parliament. That would be a very slippery road to go down. Once citizens lose their trust in the politicians, then democracy is what is at risk. With those brief remarks, the Greens will be supporting the second reading of this bill and we look forward to the committee stage.

The Hon. D.G.E. HOOD (16:08): In making my contribution today, I would just like to place on the record that I have not had the opportunity to review the Hon. Mr Parnell's amendments. I believe they were only filed this morning, so when I was preparing my speech I had not yet taken into account the amendments. I will not make reference to them in my speech and I make no comment on the merit of them or otherwise. Of course, that will go through the normal process of going to cabinet and then ultimately to our party room before the party reaches a position.

But I do rise to speak in strong support of the bill as it currently stands, which introduces important measures to seek to stem the proliferation of child exploitation material, or what is

commonly referred to as CEM. It is, of course, largely based on a bill the previous Labor government introduced in 2017, which unfortunately lapsed at the conclusion of the last parliamentary year due to its other priorities. I am therefore pleased that the Marshall Liberal government is introducing its own iteration of the bill in a further effort to protect children from what I consider to have been one of the most unconscionable and inexcusable forms of abuse that could possibly be inflicted upon the most vulnerable within our community.

It is imperative that our laws in this state are continually reviewed and updated to account for rapid technological advances that can serve to facilitate illicit behaviour of any kind and I am confident the bill will better equip our law enforcement agencies in the detection and prevention of offending of the worst kind imaginable. The impetus for the bill is the fact that those who contribute to satisfying the demand for CEM through promoting and enabling its distribution and exchange without actually possessing the material could avoid any culpability for their conduct under our current laws as they stand.

In order to rectify this, the bill includes numerous amendments to the Child Sex Offenders Registration Act 2006, the Criminal Law Consolidation Act 1935, the Evidence Act 1929 and the Summary Offences Act 1953. It specifically seeks to create three new offences targeting the administrators or hosts of child exploitation material websites and the persons assisting in their administration, establishment or operation, each with maximum penalties of up to 10 years' imprisonment.

This is, of course, intentionally in line with the penalties for most of the existing aggravated CEM offences in South Australia. Those who develop, manage or monitor these sites, encourage or promote their use or train and equip others to avoid detection and apprehension for committing relevant offences will be captured. The bill also endeavours to provide new investigative powers and procedures to assist police in the detection of offences that have been made increasingly difficult due to the evolution of technology and the development of sophisticated encryption programs.

Under these provisions, police and investigators for the Independent Commission Against Corruption will have the ability to make an application to the Magistrates Court for an order which could compel a person to provide necessary information or assistance that may include but is not limited to the provision of relevant passwords, fingerprints, retinal or facial scans or other data required for access that has not yet been designated. Due to the widespread use of encryption services to shield criminal activity that relies on the use of the internet, it can be expected that these provisions will naturally expand beyond supporting the investigation of suspected crimes associated with CEM, which may include those involving terrorism, illicit drugs, fraud, identity theft and cyberbullying.

I understand that states, including Victoria, Queensland and Western Australia, already offer similar powers to those postulated by the bill, so there is certainly precedence for this to be afforded to our jurisdiction. In addition, three further offences have been devised to capture those who impede or seek to impede such investigations through the alteration, concealment or destruction of data, with maximum penalties ranging from five to 10 years, depending on the circumstances relevant.

Both the Commissioner of Police and the ICAC will be required to provide an annual report to the Attorney-General detailing the number of applications for orders, whether they were granted, if they were urgent, the types of alleged offences, a description of the devices involved and any charges that resulted and were ultimately laid. Further, a statutory review would be undertaken three years following the enactment of these laws. Then, of course, the bill also provides for broader protections to victims of child exploitation material.

The need for the bill is perhaps best exemplified within our local context in the horrific case of child sexual abuse against children in South Australian state care perpetrated by Shannon McCoole. In 2015, members may recall McCoole was sentenced to some 35 years in gaol after pleading guilty to the various offences committed between 2011 and 2014, including:

- two counts of unlawful sexual intercourse with a person under the age of 14;
- three aggravated counts of indecent assault;
- one count of gross indecency of a person under the age of 16;

- three counts of persistent sexual exploitation of a child;
- seven aggravated counts of producing child pornography;
- one aggravated count of disseminating child pornography; and
- one aggravated count of possessing child pornography.

The important point to note here is that although it was also discovered that McCoole was the administrator of what was to believed to be the world's largest child pornography website concealed within the dark web where its 45,000-plus members could only gain access through engaging TOR encryption software, he was never actually sentenced for any charge in relation to this particular act.

He was charged for the other matters I have just outlined and indeed found guilty but was never actually charged for his involvement in the dissemination of this material with 45,000-plus members, and arguably that is the most heinous of all of his acts. I hope members would agree that this is not acceptable when you consider the countless victims he had absolutely no regard for as he simply sought to profit from their degradation.

In 2010, I successfully introduced legislation to grant judges the power to ban convicted paedophiles from accessing the internet at all under certain circumstances, which I hoped would contribute to curbing the demand for child exploitation material. That bill did pass this place and is now law in our state. As most would appreciate, almost nine years later these laws appear to be more relevant than ever due to dramatic advancement with the internet's speed and capacity that provides all the infrastructure necessary to efficiently disseminate large volumes of disturbing content featuring victimised children for the consumption of depraved deviants all over the world.

Given the fact that the FBI reports that there are some 750,000 paedophiles online and 150 million images on the web documenting child exploitation, it is evident that this is an increasingly lucrative industry for criminals to participate in to satisfy themselves in some strange way. This government appreciates its responsibility to ensure our laws are fit for purpose and can effectively deter would-be offenders from perpetuating these sexual crimes with the threat that it will be increasingly difficult for them to succeed in maintaining their anonymity. Given the transitional nature of the crimes we are referring to, the proposed legislation is not only in the best interests of South Australians but will no doubt contribute to the protection of potential victims on a global scale, as of course this problem circles the globe.

I strongly support the bill. As I said, I have not had a chance to consider the amendments the Hon. Mr Parnell has proposed. They will go through our normal process and we will consider them in due course.

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

RESIDENTIAL PARKS (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 6 December 2018.)

Clause 6.

The PRESIDENT: Before I give you the call, Treasurer, I will just update honourable members on where we are at. I understand that we are on amendment No. 1 [Maher-2] in relation to clause 6, and that amendment has been moved by the Hon. Kyam Maher.

The Hon. R.I. LUCAS: Members may or may not recall that this was the subject of some debate on, I think, the last day of sitting prior to the December break. As a result of a number of amendments being moved we, I think wisely, decided to pause, reflect, consolidate, consult and regroup for this session in February. My understanding is that there has been fruitful discussion between the Attorney-General and her officers and the Leader of the Opposition and his staff in relation to amendments.

I will leave it to the Leader of the Opposition to clarify his intention, but my understanding is that he may not proceed with some of his amendments and that there may be broad support in the committee stage for the new set of amendments that I am moving, which, as I said, have been, on my advice, as a result of further consultation between the Attorney-General and the Leader of the Opposition. I will leave it to the Leader of the Opposition to outline his position. That is my understanding of where we are up to at the moment.

The Hon. K.J. MAHER: I have to say, Mr President, I think the Leader of the Government has it absolutely and completely correct on this occasion.

The Hon. T.J. Stephens: Could you repeat that because I just didn't quite hear?

The Hon. K.J. MAHER: On this occasion. Although we were ready to continue the debate on this bill last year, I think consideration of the legislation was difficult to continue because of the confusing way some of the amendments were drafted and some miscommunication that may have occurred about what was being supported and what was not being supported between the government and the opposition.

Over the intervening period from when we last met, a consolidated set of amendments were drafted, a lot of them based significantly on the opposition amendments. I would like to thank the Attorney-General's staff for the cooperative and capable collaborative way they have worked to finalise these amendments which provide very important additional protections for residents in residential parks.

As a result, I flag that I will not be moving any of the amendments that remain in my name and we will be supporting the set of amendments that were filed last week that are, in effect, an amalgamation of what the government and the opposition had filed and what they were able to agree with each other. I will have a couple of questions as we go through on how they will operate but I will not be moving the amendments in my name. We will be supporting the government amendments, which are very good because they incorporate a lot of what the opposition thought.

The CHAIR: Leader of the Opposition, by way of clarity, I recall you moved [Maher-1] 1 which was accepted by the committee. Do we need to recommit it, just for my benefit?

The Hon. K.J. MAHER: Yes, can we recommit [Maher-1] 1?

The CHAIR: Treasurer, the Leader of the Opposition was successful in convincing the committee to agree to one of his amendments, namely [Maher-1] 1. As I understand it, we have to recommit back to that to remove it.

The Hon. K.J. MAHER: Is that right? Is that part of what we have agreed?

The Hon. R.I. LUCAS: Again, I have not been part of these discussions but my advice is that the government is prepared to leave that particular amendment in as part of what might be the compromise package.

The Hon. K.J. MAHER: Yes, I have just received that.

The Hon. R.I. LUCAS: So we will not need to recommit it. The government has accepted that as part of the compromise package negotiated with the Leader of the Opposition. That particular amendment will stay, as carried. We will move, as has been agreed in furious agreement between the Leader of the Opposition and me, the government's new amendments.

The CHAIR: For my benefit, Treasurer, on another topic, I note that the Leader of the Opposition said he is not going to move any more of his amendments. I note that you had filed some amendments last year. Are you moving those?

The Hon. R.I. LUCAS: No.

The CHAIR: So we are just going with the most recently filed amendments in your name, Treasurer. Correct?

The Hon. R.I. LUCAS: Yes.

The CHAIR: I ask the Leader of the Opposition to withdraw his amendments.

The Hon. K.J. MAHER: I withdraw all further amendments filed in my name.

The CHAIR: I just need you to withdraw [Maher-2] 1 because you had moved that prior.

The Hon. K.J. MAHER: I seek leave to withdraw [Maher-2] 1 that I moved at the end of last year but no longer wish to continue with.

Leave granted.

The Hon. M.C. PARNELL: Just for the record, the Greens are pleased that the Liberal and Labor parties have reached agreement. We accept that the agreement includes most of the things that residents of these residential parks were asking for. I do not think that any of them are contentious. Given that all amendments have been withdrawn or indications have been given that they will not be moved, other than the 15 amendments contained in the set [Treasurer-4], the Greens will be pleased to support all of those 15 amendments. We look forward to the speedy passage of the bill.

The CHAIR: We are on clause 6. Treasurer, you have on clause 6 amendments Nos 1, 2, 3 and 4.

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

Amendment No 1 [Treasurer–4]—

Page 3, line 28 [clause 6(1)]—Delete 'Section 7—after subsection (1) insert:' and substitute:

Section 7(1)—delete subsection (1) and substitute:

(1) The residents of a residential park may elect residents from at least 5 different occupied sites in the park to form a residents committee to represent the interests they have in common as residents of the park, on the basis that—

(a) only a resident may be a member of the committee; and

(b) except as provided in paragraph (c), each resident has a right to nominate for election to the residents committee and to participate in the election of members of the residents committee; and

(c) any resident who is employed or engaged by the park owner to assist in the management of the residential park may not be a member of the committee.

(1aa) A park owner or park owner's agent who unreasonably interferes with a resident's rights under subsection (1) is guilty of an offence.

Maximum penalty: $1,250.

Amendment No 2 [Treasurer–4]—

Page 4, lines 3 and 4 [clause 6(1), inserted subsection (1b)]—

Delete 'formed but an insufficient number of residents nominated for appointment' and substitute:

elected but an insufficient number of residents nominated for election

Amendment No 3 [Treasurer–4]—

Page 4, line 5 [clause 6(2)]—Delete 'Section 7—after subsection (2) insert:' and substitute:

Section 7(3) and (4)—delete subsections (3) and (4) and substitute:

Amendment No 4 [Treasurer–4]—

Page 4, after line 22 [clause 6(3)]—After inserted subsection (7) insert:

(7a) The regulations may make provision for or with respect to the election, term of office, functions and procedure of residents committees.

These amendments amend section 7 of the act to provide more clarity around residents committees, and set down section 7 in a manner that makes the intention of how residents committees are to be formed and residents elected as committee members much clearer.

Amendments carried; clause as amended passed.

Clause 7 passed.

Clause 8.

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

Amendment No 5 [Treasurer–4]—

Page 4, after line 33—Before subclause (1) insert:

(a1) Section 10—after subsection (2) insert:

(2a) The Commissioner must ensure that a model residential park agreement, that may be used by park owners as a guide or template when preparing their own agreements, is published on a website determined by the Commissioner.

This amendment requires the Commissioner for Consumer Affairs to provide a model residential park agreement template that may be used by park owners as a guide or template in preparing their own agreements. This will be published on the Consumer and Business Services website.

The Hon. K.J. MAHER: Is it anticipated that in addition to being published on the website determined by the commissioner that it will also be available in other forms? For instance, if a potential park tenant wants a copy of it, can it be provided in writing as well?

The Hon. R.I. LUCAS: My advice is that it is proposed to be available in a form or downloadable.

Amendment carried; clause as amended passed.

Clauses 9 to 12 passed.

New clause 12A.

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

Amendment No 6 [Treasurer–4]—

Page 9, after line 34—Insert:

12A—Amendment of section 43—Statutory and other charges in respect of rented property

(1) Section 43(2)(b)—delete paragraph (b)

(2) Section 43—after subsection (3) insert:

(4) A resident is not required to pay the park owner any amount for, or in relation to, the supply of electricity to the rented property unless the park owner has provided the resident (at no cost) with an account specifying how much the resident is being charged for the supply of electricity (and how that amount was calculated) and, if the resident is being charged for any other related matters, itemising those matters and specifying the amount of the charge in relation to each item.

This amendment provides clarity around section 43 and the charging of electricity by the park owner for the supply of electricity.

The Hon. K.J. MAHER: Just to confirm with the Treasurer that the effect of this amendment is that if a residential park resident is not supplied with an account specifying how much the resident is to be charged for electricity and how that was calculated, they do not have to pay for their electricity. Is that essentially the effect?

The Hon. R.I. LUCAS: My initial advice is that they are required, under section 43, to get that particular account, so they are entitled to say, 'You have to give me the breakdown before I have to pay.' The leader's question went a bit further than that and I am not sure where that would end up if, for whatever reason, it was not provided and someone did not pay. I guess that may potentially be the subject of a court case to determine where it ends up.

It is certainly not expected or anticipated that we are going to end up in that set of circumstances. The tenant is entitled to demand the information and is entitled to say, 'I am not paying until I get it.' Ultimately, where that would all end up, if for whatever strange reason it was not provided, I cannot give you a guarantee one way or another as to how that might be determined in a court of law.

The Hon. K.J. MAHER: I thank the Treasurer for his response to this. Certainly, in the number of meetings I had with the South Australian Residential Parks Residents Association, this was one of, if not the biggest issue raised: that many residential park tenants got bills, had absolutely no idea how they were calculated and if the owner of the park was profiteering through how they decided that. So a requirement that specifies how it is calculated is a very important thing, and I thank the Treasurer for his explanation.

New clause inserted.

Clauses 13 and 14 passed.

Clause 15.

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

Amendment No 7 [Treasurer–4]—

Page 10, line 37 [clause 15, inserted section 50A(1)]—After 'dwelling' insert:

(for a market value agreed between the personal representative or other person selling the dwelling and the park owner)

Amendment No 8 [Treasurer–4]—

Page 11, after line 7 [clause 15, inserted section 50A]—After inserted subsection (2) insert:

(3) For the avoidance of doubt, nothing in this section obliges the personal representative or other person who has inherited property of the deceased to sell the dwelling to the park owner.

These amendments provide more clarity for residents around the intention of section 50A when a resident passes away and the dwelling is to be sold by their estate. The government conceded on market value in amendment No. 1 [Maher-1] which passed at the end of last year.

The Hon. K.J. MAHER: I have a brief comment rather than a question. Yes, these are consequential amendments that further clarify the one amendment we discussed before, which passed last year. Again, this matter was very important to the South Australian Residential Parks Residents Association in terms of making sure that, particularly on the death of a resident, there is less likelihood someone will be taken advantage of when estates are wound up and that fair market value is paid.

Amendments carried; clause as amended passed.

Clauses 16 and 17 passed.

Clause 18.

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

Amendment No 9 [Treasurer–4]—

Page 12, line 11 [clause 18, inserted section 70A(3)(a)]—After 'owner' insert:

(and the proposed new residential park site agreement must constitute a reasonable offer in the circumstances)

This amendment ensures that, if an agreement is terminated under section 70A where a park owner intends to redevelop the site and has offered the resident an alternative site, the offer is reasonable in comparison with what the resident already has.

The Hon. K.J. MAHER: I have a comment. This arose from one of the Labor amendments in relation to concerns from the South Australian Residential Parks Residents Association that there could be unscrupulous operators who would use the provisions to move residential park tenants on without having fair and reasonable alternative accommodation.

Amendment carried; clause as amended passed.

Clauses 19 to 22 passed.

Clause 23.

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

Amendment No 10 [Treasurer–4]—

Page 13, after line 24—

Before the present contents of clause 23 (now to be designated as subclause (2)) insert:

(1) Section 134—after paragraph (d) insert:

(da) maintaining the register under section 135;

Page 14, line 1 [clause 24, inserted section 138A(b)]—Before 'is reviewed' insert 'the plan'

In speaking to amendment No. 10 and foreshadowing amendment No. 11, which I will move subsequently, both of these amendments are a package which introduces a register of residential parks in South Australia that is to be established and maintained by the Commissioner for Consumer Affairs, which will include the details of each residential park, the name and contact details for each park owner and any other particulars prescribed by the regulations.

The Hon. K.J. MAHER: I thank the Treasurer for this amendment; it is in line with one that we moved, with some differences after negotiation. Again, in discussions with the South Australian Residential Parks Residents Association, this was thought necessary so that we have a register of the laws that we are passing and what they apply to. There are many residential parks, but they are not all well known. To have a register means that it is very easy to know to which sites these laws apply.

Amendment carried; clause as amended passed.

New clause 23A.

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

Amendment No 11 [Treasurer–4]—

Page 13, after line 29—Insert:

23A—Insertion of section 135

After section 134 insert:

135—Commissioner to maintain register

(1) The Commissioner must establish and maintain a register including the following information:

(a) the name and address of each residential park in the State;

(b) the name of, and contact details for, each park owner;

(c) any other particulars prescribed by the regulations.

(2) A park owner must, by notice in writing, provide the Commissioner with such particulars relating to the residential park as are required to be entered in the register under this section and must, if there is a change in any of those particulars, advise the Commissioner, by notice in writing, of the change within 10 business days after the change occurs (or such longer period as the Commissioner may allow).

(3) The Commissioner must ensure that the information included in the register is published on a website, so as to be accessible to members of the public without charge.

New clause inserted.

Clause 24.

The Hon. R.I. LUCAS: Mr Chair, with your concurrence, I move:

Amendment No 12 [Treasurer–4]—

Page 13, lines 34 and 35 [clause 24, inserted section 138A]—Delete 'the plan'

Amendment No 13 [Treasurer–4]—

Page 13, after line 35 [clause 24, inserted section 138A]—Before paragraph (a) insert:

(a1) the plan complies with any requirements prescribed by the regulations; and

(b1) if the park has a residents committee—the residents committee is consulted in relation to the plan; and

Amendment No 14 [Treasurer–4]—

Page 13, line 36 [clause 24, inserted section 138A(a)]—Before 'is provided' insert 'the plan'

Amendment No 15 [Treasurer–4]—

Page 14, line 1 [clause 24, inserted section 138A(b)]—Before 'is reviewed' insert 'the plan'

These amendments relate to fire safety measures that this bill introduces. They provide more clarity around the wording of section 138A, which ensures that the fire evacuation plan complies with any government standards and that residents committees are consulted in relation to that plan.

The Hon. K.J. MAHER: I think this is the last set of amendments being moved. I thank the government for negotiation with these. They are slightly different from what the opposition put forward, but they are still a good step forward. Again, this was a very specific concern of the South Australian Residential Parks Residents Association, that residents wanted to be involved in things that significantly affect them and their safety, and that included emergency and evacuation plans. There is now a legislative requirement that residents are involved and that park owners must have such plans.

Amendments carried; clause as amended passed.

Clause 25.

The Hon. K.J. MAHER: In speaking to this clause I place on the record my appreciation and thanks to the South Australian Residential Parks Residents Association that, at a number of meetings and through quite a lot of correspondence, came up with a lot of very sensible improvements to this regime, and a lot of those have been reflected largely in the amendments moved today. I thank that association for the work they have done, their ability to put forward ideas and the way they have represented residents in residential parks.

Clause passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:40): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EDUCATION AND CHILDREN'S SERVICES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 November 2018.)

The Hon. T.A. FRANKS (16:41): I rise on behalf of the Greens to speak to the Education and Children's Services Bill. This bill has been two governments in the making and is, in a generation or possibly two generations, the most extensive overhaul of the underpinning act that supports our education system in this state.

The Education and Children's Services Bill repeals and replaces the Education Act 1972 as well as the Children's Services Act 1985 and is purported to create a contemporary framework for the delivery of high-quality children's services and compulsory education in South Australia. While the previous acts that will be repealed by this particular bill, should it pass this parliament, have provided that framework for education and early childhood services for many decades, it is believed

they no longer reflect the needs of our contemporary system. The Greens would argue, however, that some of the contents of this bill no longer reflect the needs of any contemporary system.

I note the words of the minister in the other place in introducing this bill and also the previous minister, minister Close, in their work to develop this bill. I concur with the current minister's words, that our children do deserve access to the best schools, preschools and children's services. Indeed, it is our duty to ensure that.

I note that there was a consultation process undertaken by the previous Weatherill government under minister Close and that that consultation process has largely been accepted by this government, with a few expected tweaks but some really disappointing omissions as well. It is very similar to the education bill that was introduced under the Weatherill government; however, there are some particular changes.

This bill does not include central controls that were proposed previously for governing councils and it removes the provision for the minister to direct, suspend or dissolve a governing council in disciplinary circumstances. The Greens welcome that. We would have opposed that under the Weatherill government and so we welcome the current government's changes to respect those governing councils in our schools. The majority of members on governing councils are parents or other persons responsible for those children and students at the schools. Allowing governing councils to access funds for independent legal advice, if they are in dispute with the department, which was a recommendation of the Debelle royal commission, is something that we welcome.

However, it also—and I think this is to be expected, seeing what has happened in the TAFE sector—removes what the Marshall government calls the exclusive right of the AEU to nominate members of relevant committees formed under the bill. I expect to hear the words 'union bosses' ad nauseam in the debate on this section. Certainly, we have heard it ad nauseam in this parliament so far under the Marshall government. Indeed, the Leader of the Government in this place seems to refer to union bosses many more times than he refers to anything to do within his portfolio of Treasury. I think I have previously remarked that he has used the word 'fiscal' a handful of times but the term 'union bosses' dozens of times. I am sure this debate will see no change in that behaviour, and indeed will reveal the true motivations in some parts of this particular piece of legislation.

Members of selection committees, under this proposal by the Marshall government, will now be appointed by the chief executive, and at least one member will be a person elected from the teaching service to represent them on such committees. Review committees for the purposes of closures and amalgamations will also need to include a staff member from each school to which the review relates, instead of, as is currently the practice, an Australian Education Union nominee—who is not a union boss, but I am sure they will be called a union boss—normally a very hardworking member of the education profession, I should imagine, with expertise related to the task at hand.

It retains the current situation with regard to religious or cultural activities in our public schools. Parents can have their children exempted from participation in these activities. I note that under the Weatherill government there was to be a change in the way those exemptions were gained. Now the opt-out approach will prevail under the Marshall government, whereas an opt-in approach would have been the change made from that consultation and that work that was done previously under the Weatherill government.

The Greens note that we have a preference for an opt-in system for religious instruction in our schools. We do not believe silence should be taken as consent. We do not believe you can prove consent, in fact, if you have not sought and gained that consent. Further than that, we question why religious instruction is taking place within curriculum time at all, regardless of whether it is opt in or opt out. We are not alone in these views. Many parents have contacted my office with regard to those views.

Time and time again we hear media, teachers, students themselves and parents complain that there is not enough time for the curriculum currently, so why on earth are we having a debate about an opt-in or an opt-out religious instruction system, when religious instruction should be confined to outside of school hours, outside of curriculum time. If people choose to do it and have that particular interaction and experience, surely it should not be taking up any curriculum time whatsoever.

The bill also increases the penalties for parents of children who are chronically absent from their school, as well as introducing other broad measures to deal with non-attendance, including family conferencing. It also includes a government audit of school truancy policies and increases the number of truancy officers by some 50 per cent. It does not include the provision previously that the Weatherill government intended for expiation notices for that non-attendance. I think that in itself is a small mercy.

Changes to the information sharing between government and non-government schools and preschools, as well as children's services and the department, are made under the bill. That includes amendments to the exceptions to prohibitions on the use and disclosure of personal information shared under the provisions with those in the government's information privacy principles instruction and information sharing guidelines. This also supports the implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The bill was amended in the lower house so that the principles in the bill clarify that children and students should be involved in the promotion of their education and development, and that they should be consulted in respect of the decisions under the act that may affect them. The Greens welcome that particular amendment.

The Greens believe that this once-in-a-generation review of the underpinning acts of education and children's services in this state has one glaring omission; that is, that there is no education ombudsman within the bill, and there was no discussion publicly of the merits of such a position.

I note that in previous years, the member for Bragg, now the Attorney-General, has put a private members' bill to this place for such an education ombudsman. I am incredibly disappointed not to see the Marshall government and the new minister take this opportunity to ensure that we do actually have structures that will provide the best outcomes for all of our children. Indeed, I think it beggars belief that, in what is touted to be the biggest overhaul of education legislation in our state, consideration has not been given to an education ombudsman.

We do have an ombudsman in many areas of life, but not for education specifically. That is despite the fact that every South Australian, at some stage in their early lives, will spend more than a decade in the school system and despite the fact that the education system is the second-largest government employer. Unfortunately, there is currently no specialist independent person or body to specifically handle those complaints within the education system. In this matter, we are lagging behind other OECD countries, where best practice is that they do have such an education ombudsman. Indeed, approximately two-thirds of countries have such an ombudsman or such a specific agency to receive those complaints related, in this case, to public schools.

I think it is a very unsatisfactory situation at the moment where staff within the system, students within the system and particularly parents within the system often have little recourse for complaints other than to make those to facets of the education department itself, which then only investigates itself. This is not a situation that provides best outcomes. Again, I note the outcomes of the Debelle inquiry, where I think such a role would have seen no need for such a royal commission and no need for the awful circumstances and situation that that particular school community then found itself in and the appalling results that came from the previous arrangements.

Reports of problems in our education system are far too common. They range from teachers' complaints about the stresses placed on under-resourced staff to parents feeling pressured to vote for school closures to the epidemic of bullying, and it is really disappointing that this government has not taken this opportunity to ensure that we have an independent person or body to handle these particular complaints.

They come to the fore particularly, I would like to note, with regard to children with disabilities and their access to education. I refer members to the very important work initiated originally by the then Hon. Kelly Vincent on the select committee for access to education for children with disabilities. It found time and time again that our system is failing far too many children. It would not be a magic wand, but it certainly would go a very long way to fixing many of the problems before they become unsolvable and intractable.

The Greens' amendments would establish an independent education ombudsman within this particular act. That ombudsman would have the ability to investigate any matter concerning the provision of educational services by an educational service provider and any matter relating to school discipline where the matter occurred or relates to the conduct occurring before or after the commencement of the section to which it would amend. We also share the concerns, and I note the work currently, of the South Australian Commissioner for Children and Young People. I understand the current work of that particular commissioner is looking at endemic bullying, and I again draw members' attention to the report made by the commissioner on that particular matter.

I draw particular attention to something I believe would be very important work of an education ombudsman, and that is the way that suspensions, expulsions and exclusions are used in our current schooling system. It is reasonably common knowledge, and certainly the select committee that I referred to before draws this out, that far from simply being disciplinary measures, these processes are used to attract funding for a child in trouble. The system has set these children up to fail.

An education ombudsman is required to ensure that all of our students get a fair go, that all of our teaching staff, whether they be union bosses, union members or non-union employees, get a fair go and, indeed, that we have the best education system possible to serve our state. We know that education is vital and transformative in individuals' lives but also for our state, for our very wellbeing and further than that, of course, for our competitiveness and ability to really shine on a world stage when we are talking about the very intense global market that most Australians will find themselves in in terms of the workforce.

I note that support for an education ombudsman has previously come in the form of a private members' bill from the member for Bragg. It has also been brought before this place before by the Hon. Robert Brokenshire. It is supported by people such as the South Australian Commissioner for Children and Young People and by the South Australian Association of State School Organisations. It is a significant missed opportunity in this particular bill.

I think we fail the next generation because we can almost guarantee that we will not be debating such a bill again any time in the next few years. If we miss this opportunity now to ensure that particular voice, that particular expertise that will give those supports within our school system that is not present and not established, then we will be back again with royal commissions and inquiries and yet again, as I think we all know, having the ambulance at the bottom of the cliff rather than the fence at the top. That is the role that an education ombudsman could and should play and that is the role that should have been investigated as part of the due diligence of preparing this particular piece of legislation to come before this place.

We will, no doubt, be further debating the opt in aspects of religious instruction and the role of the Australian Education Union within our schooling system. It was stripped away by the then Marshall opposition under the previous government within the TAFE debate and we have just seen some of the mess that that particular corporatised TAFE situation led to with the governance of TAFE. Having strong voices of all persuasions, be they bosses or union bosses or students or parents or staff, is vital early on in any particular sector to ensure those voices are heard when the problem is not intractable and when the problems can easily be solved. Otherwise, we will be back yet again, seeing children failed by our school system and bullying not necessarily taken as seriously as it should.

We have established provisions in the bill to clamp down hard on truancy but there is very little work here to support those children who are bullied to within an inch of their lives or, indeed, who are bullied to take their own lives. What supports will be accessible to them when they face that situation where their families are facing quite punitive measures for that child being absent, potentially, from a place where they are tormented?

Finally, in the debate on the bill I think we will see, yet again, some more union bashing without understanding the true worth of having those union voices at the decision-making tables, of the role in industrial protection within a workforce, and we will be setting up a system where staff can be handpicked to be yes people for decision-makers within the department who already have quite a significant amount of power, and unfettered, and where they are largely put in charge of

investigating themselves. That is not a situation that the Legislative Council should oversee and so we will be strenuously opposing those provisions of this particular piece of legislation put before us.

With those few words I look forward to the debate, I commend much of the bill and I echo my disappointment that it does not have an education ombudsman as a significant lost opportunity. I question why such attention is being given to instilling religious instruction and the ability for schools to have Christmas carols or not. I bemoan the quality of the debate under the previous government where the opposition was obsessed with whether or not Christmas carols could be sung in schools but was not obsessed with ensuring that we had good complaints structures, such as an education ombudsman, within this piece of legislation.

This bill should be about learning, not liturgy, and it should ensure that each child in our state gets the best possible opportunity. Our public system is not there for preaching to those children without their parents even knowing.

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

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (INVESTIGATION POWERS) NO 2 AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 November 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:01): This bill comes before us in an amended form. It was originally introduced last year, and before the winter break the bill was sent from the Legislative Council to the Crime and Public Integrity Policy Committee for a quick examination of the bill. The committee took evidence from a range of people, including the Law Society and people who have had dealings with or interest in the operation of ICAC, and some very sensible recommendations were made from that committee, with the input of some very sensible members of this chamber.

As a result of that, a new bill was introduced, which included some of the recommendations of the committee and some things that the committee decided on, including a right of appeal to the Supreme Court on a decision to hold a public hearing. We made some important headway in affording some greater fairness to people who were potentially subject to a public hearing of ICAC.

The opposition has lodged a set of amendments to this bill that further incorporate recommendations of that committee that were not in the second bill introduced by the government and that also incorporate other amendments, some of which were suggested by witnesses to that committee, including the Law Society, and others were suggested by groups such as the Bar Association.

In essence, a lot of the amendments seek to treat a hearing, if it is a public hearing, as much more akin to a trial where a defendant is before the public eye and receiving publicity about the proceedings that are occurring. Pursuant to the opposition amendments, a number of things would come into play if a public hearing is called. This would include: the rules of evidence applying to hearings; a witness being entitled to call other witnesses and make submissions; a witness having a right to refuse to participate in an investigation; a person having a right to cross-examine witnesses; that the summons must set out why a person is being summoned; if a public hearing is to be held, that the commissioner must head that public inquiry; that an examiner appointed by the commission must be a legal practitioner; and that the commissioner must decide whether or not to make an inquiry public before witnesses have been examined.

Should the commissioner return a public hearing to a private hearing or return parts of it to a private hearing then all the rules that apply to a public hearing continue to apply to those parts that then go back into a private hearing. A legal practitioner can represent a person at other examinations forming part of an inquiry. A person is to be told if allegations of misconduct or maladministration have been made against them, and a disclosure statement to provide additional details is to be supplied before such appearances.

In our suite of amendments there are a range of things that we think create more fairness should a public hearing be decided upon by the commissioner. We have seen in interstate jurisdictions where there have been public hearings that there has been significant damage to people's reputations. Of course, public officers but anyone else in South Australia could find themselves called before a public hearing.

We have had centuries of legal thought and processes that have grown around what is considered fair to people who front such public hearings and such trials, and we have sought to include a number of those into what will be required for public hearings. We look forward to the committee stage of this bill and having a discussion about what is fair and reasonable for people who may find themselves subject to public hearings in terms of how they are treated at such hearings.

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

STATUTES AMENDMENT AND REPEAL (SIMPLIFY) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:06): I am happy to speak on this bill and support the majority of the Statutes Amendment and Repeal (Simplify) Bill 2018. This bill largely replicates a lapsed bill which passed the House of Assembly but did not pass this place before the last election. I am pleased that the Liberal government is seeking to implement the bill which is almost identical to one that Labor had introduced. After all, it is the case that imitation is the greatest form of flattery, so I am flattered by the government's reintroduction of this bill.

The bill aims to reduce red tape and simplify regulation for businesses and consumers in line with the bill that was previously introduced by the Labor government. It deals with 40 acts and includes changes to 27 of those to add the option of publishing government notices online. The bill will amend the Road Traffic Act to allow low-risk public events to occur without the need for closing public roads and will also remove the requirement to return numberplates to the Registrar of Motor Vehicles when registrations are expired, void or cancelled. The bill also proposes the repeal of 12 spent and redundant acts which are no longer required. Unfortunately, one of those no longer required, and it is a new insertion of this bill, is because of the abolition by the current government of the Economic Development Board. So the Economic Development Act 1993 is one that is no longer required.

The former state Labor government was committed to making South Australia the best place to do business by creating an environment in which our businesses can operate in a global economy. Since its first simplify bill in 2016, the former Labor government delivered on a broad range of regulatory and business process reforms such as procurement, worker health and safety, and screening processes for employees and volunteers. This was in addition to significant reforms in the area of state taxation, the Return to Work scheme, transport, planning and the delivery of public services. I commend the bill to the chamber.

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

At 17:10 the council adjourned until Wednesday 13 February 2019 at 14:15.

Answers to Questions

ATTORNEY-GENERAL'S DEPARTMENT

92 The Hon. K.J. MAHER (Leader of the Opposition) (25 October 2018). Can the Attorney-General advise:

1. Why the resources allocated to the Attorney-General's office have increased to 15 FTEs and a budget of $2.5m compared to the 2017-18 level of 12 FTEs and a budget of $2.1m?

2. Why the resources allocated to the Minister for Correctional Services office have increased to 13 FTEs with a budget of nearly $2.3m compared to the 2017-18 levels of 7 FTEs and a budget of $1.5million?

3. Do those budgets only cover staffing, or the full resourcing of the office?

The Hon. R.I. LUCAS (Treasurer): The Attorney-General has provided the following advice:

1. The ministerial office budgets of the former government did not reflect the full costs of ministerial offices including costs associated with staff that were funded by agencies but not disclosed against ministerial office budgets, such as ministerial liaison officers and some other administrative staff. If these costs are taken into account, the full budget of the previous Attorney-General's office prior to the election was estimated to be $2.9 million (with 19 FTE rather than 12 FTE). The current Attorney-General's ministerial office budget is $2.6 million—which represents a saving of around $330,000 compared to the previous office.

2. This question should be referred to Minister for Correctional Services.

3. The budgets stated reflect the full resourcing of the office.

SAFECOM

124 The Hon. K.J. MAHER (Leader of the Opposition) (6 November 2018).

1. Will Justice Technology Services and the SA Government Radio Network be involved in the review of emergency services announced following revelations that SAFECOM CE Malcolm Jackman is moving to part-time employment?

2. Does the Attorney-General believe that the SAFECOM CE working part-time is appropriate?

3. When will the review commence and finish?

4. How much will the review cost?

5. Who is conducting the review?

The Hon. R.I. LUCAS (Treasurer): The Attorney-General has provided the following advice:

In response to part I—Yes, the executive director of the relevant division within the Attorney-General's Department (AGD) met with the Department of the Premier and Cabinet team conducting the review on behalf of the Minister for Police, Correctional Services and Emergency Services in early December.

The meeting centred on a particular aspect of the review, i.e. SAFECOM's current support of, for example, the State Emergency Management Plan and related national emergency management policy frameworks.

AGD will continue to assist this SAFECOM review as and when required.

In response to part II—This is subject to the outcomes of the review and the extent to which it may be relevant to the state's emergency management needs.

In response to parts III-V—These are matters that fall within the portfolio responsibilities of the Minister for Police, Emergency Services and Correctional Services. Questions regarding these matters should be directed to him.

FORESTRY INDUSTRY

125 The Hon. C.M. SCRIVEN (5 December 2018). Can the Minister for Primary Industries and Regional Development advise:

1. How many farm forestry agreements are in place between Forestry SA and private farm forestry operators?

2. Following the sale of the forward rotations of forests in the South East of South Australia, what happened to the legal status of the farm forestry agreements?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Primary Industries and Regional Development has provided the following

1. 43.

2. It did not change.

AUSTRALIAN NURSING AND MIDWIFERY FEDERATION

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (18 September 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

Since the election of 17 March 2018, I have engaged collaboratively with the Australian Nursing and Midwifery Federation and other employee representative organisations to address significant problems in the public health system.

This engagement is ongoing.

SEXUALLY TRANSMITTED INFECTIONS AND BLOODBORNE VIRUSES

In reply to **the Hon. T.A. FRANKS** (16 October 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

The Young, Deadly Syphilis Free campaign is a commonwealth funded campaign with national reach across all jurisdictions affected by the syphilis outbreak, including remote regions in Queensland, Northern Territory and Western Australia and the Far North and Western and Eyre regions of South Australia.

The campaign's focus is on encouraging Aboriginal and Torres Strait Islander young people aged 15 to 34 to test for syphilis and other STIs to assist in bringing the outbreak under control. The aim of the campaign is that 30,000 young people in communities affected by the syphilis outbreak test for STIs by June 2019.

The program outcomes, evaluation and data from the campaign are the property of the South Australian Health and Medical Research Institute and the commonwealth Department of Health. This data has not yet been published.

TORRENS TO TORRENS PROJECT

In reply to **the Hon. J.A. DARLEY** (18 October 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Transport, Infrastructure and Local Government has provided the following advice:

1. I am advised no formal records have been kept on the number of business that have closed, rather than relocated.

2. No, there has not been follow up. However, based upon lessons learned, when a project is announced, the Department of Planning, Transport and Infrastructure (DPTI) (or its contractors) will actively engage with businesses and business owners to obtain information specific to the business and form relationships and primary points of contact. Funding for marketing, advertising and communications campaigns will be embedded into the procurement process for major capital projects.

A $150,000 Bring Back Business also known as 'Love Local' campaign was approved by DPTI in November 2017 for the Torrens to Torrens (T2T) Alliance to work collaboratively with all of the affected businesses and offered ongoing support including:

- Customer access flyers
- Directional signage
- Website links on the 'support local business' page
- Intranet promotion of 'meal deals' for workforces

Where appropriate, an independent small business advisor may be provided to assist business owners to continue to trade during construction with as little disruption as possible and provide business continuity strategies.

The Marshall government has released the small business engagement policy, designed to change the way it engages with the business community, to better protect businesses and minimise disruption during large infrastructure projects.

Since the announcement of the policy there has been a renewed focus on supporting local businesses on existing infrastructure projects.

3. Yes. I am advised the T2T Alliance provided the following assistance to assist Queen Street traders:

- Partnered with the Adelaide Business Hub at the start of the project. A letter was sent to all businesses within the project footprint, offering access to a tailored business support package (for small businesses with up to 20 staff) during construction, which included two hours free consultation and low cost assistance for marketing and business advice, training and development and promotional assistance.
- Provided permanent signage on Port Road and South Road advising motorists how to access the Queen Street precinct.
- Provided electronic and/or static signage when detours were in place on Port Road.

- Provided $20,000 to fund a social media campaign for Queen Street traders.
- Provided opportunities for Queen Street traders to promote their businesses during works.

In addition to the above, construction activities impacting Queen Street traders were undertaken at night, where possible, to minimise disruption to businesses.

4. I am advised by the T2T Alliance that its records show 32 businesses contacted DPTI to discuss impacts on their business.

5. & 6. The Marshall government has introduced formal guidelines for specific engagement with small businesses impacted by major capital works. As announced last month, these guidelines cement a firm commitment to work with businesses as early as possible in the process and provide greater transparency.

When a project is announced, DPTI (or its contractors) will actively engage with businesses and business owners to obtain information specific to the business, form relationships and obtain primary points of contact.

Funding for marketing, advertising and communications campaigns will be embedded into the procurement process for major capital projects.

Where appropriate, an independent small business advisor may be provided to assist business owners to continue to trade during construction with as little disruption as possible and suggest strategies for business owners.

This information and direct links to further resources for small business is available for businesses and the public on www.infrastructure.sa.gov.au.

DPTI and its contractors are committed to being transparent early in the engagement process and working with local businesses to lessen impacts of construction and work together as much as possible.

These measures are intended to maintain the flow of customers during construction and also attract customers back to an area once construction is finished.

Since the announcement of the policy there has been a renewed focus on supporting local businesses on existing infrastructure projects.

SMITH BAY PORT

In reply to **the Hon. M.C. PARNELL** (25 October 2018).

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

The Minister for Transport, Infrastructure and Local Government has provided the following advice:

Kangaroo Island Plantation Timbers are currently preparing an environmental impact statement (EIS) that will seek to understand transport requirements for the project. It is expected the EIS will go on public consultation in early 2019, for council and community input.

While the department understands that proposed freight routes would require upgrading to accommodate the freight task, the roads in question are local roads under the care and control of Kangaroo Island Council.

While funding options have been raised by Kangaroo Island Plantation Timbers, there has been no formal request for state government funding. DPTI has advised Kangaroo Island Plantation Timbers that there is no intention for the state government to commit to a contribution towards the upgrades of local roads should the development be approved.

ASSIST HOMECARE

In reply to **the Hon. C. BONAROS** (8 November 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

SA Health does not hold contracts with Assist HomeCare.

MITSUBISHI MOTORS AUSTRALIA

In reply to **the Hon. C.M. SCRIVEN** (13 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

Mitsubishi Motors Australia Limited has agreed to establish a purpose built head office in Adelaide and an increase of 50 FTE. Clawback provisions extending to 2026 relate to both new and retained jobs.

SHANGHAI TRADE OFFICE

In reply to **the Hon. I.K. HUNTER** (13 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

The Department for Trade, Tourism and Investment (DTTI) is monitoring the progress of the Shanghai trade office through KPIs which will measure the success of the initiative. There will be a monthly reporting process, six-month performance discussion and end of year assessment whereby the new Country Director for China, Ms Xiaoya

Wei, will advise of the outcomes achieved against her KPIs to the Chief Executive, DTTI, through the Executive Director, International Engagement, DTTI. The key business development activities of the entire China team will also be reported in the same manner.

The KPIs for the country director and the Shanghai trade office will be directly linked to DTTI's KPI's.

COAL GASIFICATION

In reply to **the Hon. M.C. PARNELL** (13 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Mining and Energy has advised

1. The independent experts used in the state government's assessment of the Leigh Creek Energy demonstration project for underground coal gasification, or UCG, include:

- Ikon Science, technical consultants in the field of geomechanical modelling.
- Lawrence Livermore National Laboratories, renowned international experts in UCG based in the United States.
- Dr Gary J. Love, fact witness to the Queensland Department of Environment and Science in the investigation and prosecution of Linc Energy.
- Dr Clifford Mallett, former CSIRO UCG research scientist.

The independent experts were selected based on their expertise in their respective fields and for being at arms-length to the Leigh Creek Energy demonstration project.

The advice provided by the independent experts is publicly available on the Department for Energy and Mining website.

2. The state government did not engage Professor Campbell Gemmell as an independent expert. However, findings from Professor Gemmell's independent review of UCG commissioned by the Scottish government, were considered in the state government's assessment of the Leigh Creek Energy demonstration project. In his review, Professor Gemmel concludes that establishing credible baselines, firm planning and licensing conditions and subsequently enforcing robust regulatory, monitoring and liability management arrangements would be paramount to the realisation of any successful UCG project. It is exactly for these reasons that in South Australia through the Petroleum and Geothermal Energy Act 2000, licensees are required to undertake sufficient exploration, appraisal and site assessments to enable informed evidence- and fact-based regulatory decisions on any UCG proposal in this state. Further details are provided in the assessment summary report for the Leigh Creek Energy demonstration project, available on the Department for Energy and Mining website.

Website link:

http://energymining.sa.gov.au/petroleum/projects/prj_leigh_creek_energy_isg.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (BINDING RATE OF RETURN INSTRUMENT) BILL

In reply to **the Hon. M.C. PARNELL** (13 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Energy and Mining has advised:

The Consumer Reference Group (CRG) is funded by the Australian Energy Regulator (AER), who is funded by the Commonwealth government. Throughout the 2018 rate of return guideline review, the AER funded the CRG members to provide consumer perspectives at a cost of approximately $350 000. This gave the 15 CRG members remuneration to prepare for and attend around 50 meetings from November 2017 through to December 2018.It also gave them funding for analysing information and writing their submissions into the review.

The CRG used this funding to:

- Attend information sessions to develop capacity within the group to understand and put forward a unified position on the rate of return key issues.
- Engage with other stakeholder groups, including Energy Networks Australia, the Consumer Challenge Panel and Investor Reference Group to give the group greater context of other stakeholder perspectives.
- Work in sub-groups on specific parameters that could focus on producing detailed positions on the appropriate values and methodology for each parameter.
- Engage with an independent author to help draft the submission and concisely pull together the work of the sub-groups.
- Present the consumer perspective at the public forum to other stakeholders and to the AER board directly.

The CRG also received support from Energy Consumers Australia (EGA), in the form of an expert report EGA commissioned from the South Australian Centre for Economic Studies that commented on issues raised by Frontier Economics in the review. This expert report provided additional evidence in support of the CRG positions.

The members of the CRG represented a diverse range of consumers. The group was able to develop a single submission incorporating views from each of the representatives.

The membership and representation of the group was as follows:

- John Devereaux, Chair, Goanna Energy—representing small business interests.
- Robyn Robinson, Deputy Chair, COTA- representing older consumers.
- Warren Males, Canegrowers—representing agricultural consumers.
- Ash Salardini, NSW Farmer's Federation—representing agricultural consumers.
- Miyuru Ediweera, Public Interest Advocacy Centre—representing disadvantaged consumers.
- David Havyatt, Energy Consumers Australia—representing general consumers.
- David Headberry, Major Energy Users—representing manufacturing and other business consumers.
- Mark Henley, Uniting Communities—representing older consumers.
- Mark Grenning, Energy Users' Association of Australia—representing small to medium business consumers.
- Heather I 'Anson, SA Farmer's federation—representing agricultural consumers.
- Chris Joseph, Independent farmer—representing agricultural farmers.
- Ian McAuley, CARE ACT—representing disadvantaged consumers.
- Kym Mercer, Anti-Poverty Network SA—representing disadvantaged consumers.
- Brendon Radford, National Seniors—representing older consumers.
- Jo De Silva, South Australian Council of Social Service—representing disadvantaged consumers.

In relation to the current CRG (which was established prior to the new legislative framework), the AER publicised its intention to establish the group and invited interested consumers to apply to become members. This process was consistent with the way the AER appoints other important consumer representative bodies such as the Consumer Challenge Panel and Consumer Consultative Group.

The AER's selection process considered expertise, representation and ensured each group member had signed a contract that disclosed any conflict of interest. The AER did not receive any complaints about the selection process, but there has been feedback on how the process could be improved.

Once the 2018 rate of return guideline review process is completed, the AER will review the establishment and operation of the current CRG and incorporate learnings into future processes.

MOTOR ACCIDENT COMMISSION

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (13 November 2018).

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

1. Surplus funds have previously been budgeted to return as either dividends or returns of equity. Previous dividends/returns from MAC have been paid to the Highways Fund with the intention that they be put toward road safety initiatives, pursuant to section 25(5)(d) and in accordance with section 26(2) of the *Motor Accident Commission Act 1992* (MAC Act).

2. An amount of $142.7 million in 2018-19 was budgeted to be paid from the Motor Accident Commission, as at the 2018-19 Mid-Year Budget Review.

SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (13 November 2018).

The Hon. R.I. LUCAS (Treasurer): The guarantee fee rate for the 2019-20 financial year has not yet been calculated.

The guarantee fee rate for 2019-20 will be calculated in February/March 2019 and will be determined based on credit margins (spreads) in the Australian financial markets.

VALUER-GENERAL

In reply to **the Hon. F. PANGALLO** (14 November 2018).

The Hon. R.I. LUCAS (Treasurer): The Minister for Planning has provided the following advice:

1. Not all commercial property owners are requested to provide a land owner return as they are only requested where required. This is done as part of the annual general valuation process. The returns may also be requested as part of resolving an objection to value.

2. In accordance with sections 26, 27 and 28 of the Valuation of Land Act 1971, the Valuer-General may request access to land, access to documents in possession of public authorities and land forms from owners and occupiers. This information is gathered in the strictest of confidence and is an essential part of the Valuer-General delivering accurate valuations.

In particular, land owner returns may request financial information, for the determination of capital value for commercial and industrial properties where the valuation methodology is the capitalisation of income approach. This valuation approach considers the rental levels and rate of return that could be expected to be realised for the property based on market evidence.

Therefore, to assist the Valuer-General to ensure that the assessed capital value is accurate and reflective of current market circumstances, a land owners Return is the land owner or occupier's opportunity to provide an overview of the income associated with the commercial or industrial property they own or occupy, that also ensures the property is not overvalued.

3. No—the Valuer-General is an independent statutory officer who determines statutory valuations for properties in South Australia in accordance with the Valuation of Land Act 1971. The role of the Valuer-General is to deliver accurate and consistent property values for the purpose of fair rating and taxing, as part of a general valuation process undertaken on an annual basis.

Whilst the Valuer-General is responsible for creating the valuation assessments for rating and taxing purposes, the position is independent and as such must exercise an independent judgement. The Valuer-General cannot direct how rating authorities administer their obligations with regards to use of these assessments—that is a matter for the rating authorities that utilise them.

4. To date the current and previous Valuers-General have chosen not to fine property owners for failing to complete a land owner return. To the best of the Deputy Valuer-General's knowledge, no property owner has been fined prior to that.

WI-FI HOTSPOTS

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (14 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

The most senior executive that the South Australian Tourism Commission dealt with for this program is Mark Bolton, Telstra's Area General Manager for South Australia. Mark Bolton attended the official opening of the first hotspot in Hahndorf.

LEIGH CREEK ENERGY

In reply to **the Hon. M.C. PARNELL** (15 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Energy and Mining has advised

1. In accordance with approvals, Leigh Creek Energy (LCE) is undertaking considerable monitoring both on-site and in surrounding areas to ensure the construction, operation and decommissioning of the underground coal gasification (UCG) demonstration plant is undertaken safely in relation to people and the environment. The fit-for-purpose monitoring programs measure air quality, water quality, soil vapours, temperature, pressure and surface/subsurface movement to ensure that identified risks are being appropriately monitored, meet established environmental objectives, and prompt corrective actions can be taken if necessary.

These monitoring programs have been reviewed and endorsed by the Department for Energy and Mining and relevant co-regulators including the Environment Protection Authority and Department for Environment and Water.

Dr Cliff Mallett, former CSIRO UCG research scientist, has also been engaged by the Department for Energy and Mining to provide independent advice and confirmation of the site suitability, fitness for purpose of the Groundwater and Soil Vapour Monitoring Plan to ensure the they adhere to good industry practice.

2. The quantity of greenhouse gasses vented to date is considered negligible.

3. Listed companies are required to provide continuous disclosure under the Australian Stock Exchange (ASX) Listing Rule 3.1 to ensure the integrity and efficiency of the ASX market. While all companies operating in South Australia are expected to meet the obligations under the listing rules, compliance with this Listing Rule is a matter for the ASX.

4. Decisions on the approval or otherwise of projects administered under South Australia's Petroleum and Geothermal Energy Act 2000 are guided by science after thorough and unbiased assessment by experts within the co-regulatory agencies.

ECONOMIC AND BUSINESS GROWTH FUND

In reply to **the Hon. C.M. SCRIVEN** (15 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

As at 15 November 2018, there was one application that was being considered for funding under the Economic and Business Growth Fund.

ADELAIDE OVAL HOTEL DEVELOPMENT

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (29 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have not discussed this proposal with the Hon. John Olsen.

ADELAIDE OVAL HOTEL DEVELOPMENT

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (29 November 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I was first made aware of the proposal on 22 October 2018.

I have not had any representation/correspondence from hotels, or hotel developers about the impact on their business or investment decisions.

ADELAIDE MOTORSPORT FESTIVAL

In reply to **the Hon. T.A. FRANKS** (4 December 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

1. The South Australian Tourism Commission (SATC) is a sponsor of the Adelaide Motorsport Festival. It does not own nor manage the event, and as a result, the SATC does not hold this information.

2. As a sponsor, this information is not the property of the SATC.

MAJOR EVENTS

In reply to **the Hon. T.A. FRANKS** (5 December 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

The South Australian Tourism Commission conducts around 150 procurement projects per annum. The tender process for all procurement projects comply with State Procurement Board Policies and Guidelines for the procurement of all goods and services.