LEGISLATIVE COUNCIL

Thursday, 20 September 2018

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

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

Parliamentary Procedure

SITTINGS AND BUSINESS

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

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

Motion carried.

Bills

INFRASTRUCTURE SA BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 September 2018.)

The Hon. J.E. HANSON (11:02): As the lead speaker on behalf of the opposition, as already stated, in relation to this bill, the goals of the bill are certainly worthy. Promoting efficient, effective and timely coordination of the planning, prioritisation and delivery of infrastructure is a laudable, if somewhat trite, goal. I have noticed in other debates in this house and the other house that the government seems to have the best of goals in mind when promoting where it wants the state to be. However, simply having the best of goals—which I am sure we would all agree on—does not make for good or laudable policy.

The government stated in its opening address to parliament, and indeed again in its most recent budget, that it wishes to take the hands off the wheel—to intervene less, and to have less government or regulatory involvement. This bill seems consistent with that goal, and I think that is where I start to come into some problems with the bill. While I have no wish to place words into the mouths of other honourable members, I have been reading through the contributions of many government members in this place and the other place. It seems clear that our new state government has not been short on its stated belief that it wants to grow the state in terms of the population, industry and quality of life.

Similarly, the promotion of these qualities are laudable, if somewhat trite, goals. When you are stating that you want to take your hands off the wheel and have less government involvement, it starts to become a little mysterious as to how the government is going to achieve these goals. I hope to be able to take as a given that this bill, and any body or board it creates, is not intended to be a statement of distrust of the public sector.

I also hope that it is not a statement of distrust in the decisions and actions of that sector during the most recent decade or two, which have seen this state achieve some of the largest infrastructure strides forward in its history. I hope, similarly, that it is not a comment or statement of distrust in the independent advice that those public servants provide. Putting aside for now any concerns that what we may be seeing here is that ideology is trumping good economic decision-making, I think it is fair to state that the creation of a body separate to those elected to this place to

govern the infrastructure needs of the state, and the broad mandate that comes with that, is rightfully something to scrutinise very carefully.

In this regard, I think it is right that many members have already expressed governance concerns over the operation of the government's proposed body. Governance is a good topic. What makes good government is a topical exercise in today's world of tweeting presidents and slowly collapsing neo-conservative empires. In this regard, I think it is topical to note the recent comments of political scientist Corey Robin, who argues that most self-proclaimed conservatives are actually just reactionaries. To give some basis to that, conservatives are just defenders of traditional hierarchy, the kind of hierarchy that is threatened by any expansion of government, even—or perhaps especially—when that expansion makes the lives of ordinary citizens better and more secure. So is that what we are seeing here? Let's unpack that.

The proposed bill is adding a level of non-government bureaucracy. There is no argument even made by the government against that. Add to this the fact that we still do not have a new boss for DPTI after this government sacked the last one six months ago, that the government has confirmed that the controversial and embattled GlobeLink project will not be subject to the very same body that the government wants to create and that the tram extension out the front of this building, the highly priced and also highly valued Liberal Party promise, limps on meekly despite promises it would be completed within 12 months of the government being elected.

A more cynical mind might start to wonder about those comments I made about the ideology of this government trumping good economic decision-making, trumping good governance. But, moving on, governance is also about transparency: transparency in decision-making and transparency in the exercise of power. It has already been noted by the lead speaker for the opposition on this bill that, on both of these points, the bill is somewhat suspect. It has been noted that the body will have the ability to go into private companies' details and acquire information in regard to their structure, finances and the cost of them doing business.

This is unprecedented and, in a competitive economic world, raises serious questions about the confidentiality and security of the data collected and the reasons for acquiring it. Similarly, there are a number of areas where there is little or no opportunity for the parliament to see why the government's new body or board is exercising such unprecedented powers. We will not know what recommendations the board is making. We will not even know if the government is listening to them. The only time when we might know what is happening is when the government makes an announcement, which, no doubt, will be silent on any specific advice received and how such a decision was arrived at.

A friend of mine recently used a metaphor in relation to good governance: there is no use having a doctor present at your own execution. That seems apt here in terms of the governance surrounding this bill. The bill establishes that the board will consist of four people appointed by the government and three chief executives of government agencies. Again, it is worth noting that, for six months, we have not had a CEO for one of the agencies that the government would have sit on the board. A more cynical mind, again, might start to wonder.

In any event, there are going to be seven appointees to the board, four of them controlled by—or, at least, appointed by—the minister. The bill does not have provisions for if there is a conflict of interest in advice between these various persons. To put this plainly, if a CEO disagrees with the advice of the board but then acts in the interest of the department instead of the interest of the board, there is nothing to protect them from the maladministration inquiries in terms of conflict. This is a clear governance concern or, at least, it should be a concern of the government.

It certainly will concern somebody separate to this government, and it may even call into question the capacity of people to make sound decisions in their role on the board. There is also no capacity of the parliament to veto any appointee to the board. Without calling into question any particular person who the government may or may not seek to appoint, frankly, this lack of transparency and accountability is also poor governance. The people elected to this chamber in a varied selection of parties deserve a say.

There is no singular control in this chamber that would seek to appoint mates or political friends to the board. Such a power is in no way unprecedented. We do it in terms of arguably one of

the most powerful oversight bodies in this state in the ICAC commissioner. No-one could argue that the current appointee to the ICAC is anyone's man or controlled by any person in this place.

Surely there would be no harm in rewarding the decisions of those who elected us here—that is, the people of South Australia—and the people whom the board will make decisions on behalf of by us then making the board subject to our approval. It may not be perfect governance, but it is certainly a lot more transparent than what is proposed by this bill.

These two concerns—the lack of protections for conflict for those on the board and the lack of say on who may be appointed—bind together to raise another serious concern for me. Harking back to my political scientist's commentary—that is, Corey Robin and his reactionary conservatives—is the role of the body proposed by this bill simply designed to make and perhaps promote reactionary decisions by DPTI?

If it is the role of this body, as is stated by the bill, to make 20-year plans that are reviewed every five years, then what becomes of DPTI? Will DPTI and all the experienced public servants and collective knowledge maintained within simply become a body for implementing the decisions of the unelected, ministerially appointed, subject to no transparent scrutiny, board? Certainly, DPTI's CEO would find disagreeing with implementing any decisions difficult if he or she agreed with them at the board level, or even if he or she agreed with them at that board level or disagreed with them. Is this good governance?

At the ground level, you also risk making DPTI simply a see ball, hit ball kind of player in the industry. It will cease to question the decisions it is informed to make. With the planning role removed from its collective mind, it will lose the ability to make good governance decisions on the ground. It will lose the ability to make savings during its construction or planning phases or make amendments to plans or constructions that could save money. In short, there is a host of governance concerns with this bill. I am certain that our able lead speaker on this bill will champion these in amendments during committee, and I look forward to crossbench support on those amendments.

Further than just good governance, this bill also promotes thought on what the priorities of infrastructure are for our state. In this regard, somewhat obviously, I think this new state government should look carefully at what kinds of conditions will best promote sustainable long-term growth for the state. The government must be careful in its appointments that it does not find persons who will only look to short-term horizons. When it comes to nation-building infrastructure, any government needs to listen to local knowledge but also take a helicopter view and see the long-term benefits over many years of the decision to act or the decision not to do something and the benefits that can provide.

It is worth mentioning here again that GlobeLink is not proposed to be scrutinised by the government's new body and the Black Knight, Monty Python-esque $37 million tram turn to the right, which the government insists will be delivered within 12 months, still has all its arms and legs. Neither give much hope of making long-term helicopter-view decisions based on sound local judgement.

It goes without saying that I would advocate the excellent record of the Labor government in this area and say that a major cause of the recent positive headlines for our state and positive economic data has been Labor's investment of more than $33 billion into the South Australian economy over its 16 years, including many billions during the last eight years. It has kept hospitals, roads, schools and public transport growing, to serve its citizens and its private companies.

Labor has a proven record of solid infrastructure investment in the state, as well as nation-building. We are the party of education and hospitals, but in more recent times also the party of fibre, road and rail. In South Australia specifically, co-investment into sectors of the infrastructure economy to drive private investment and micro-economic reform has been a hallmark of economic growth since the Labor government first came into office in the early 2000s.

I would encourage any infrastructure body, and indeed the government that sets the terms of reference for that body, to look at the need to maintain a focus on smart, sustainable and resilient cities that provide livable, productive and vibrant places for Australians to live and work. To thrive and grow, South Australia needs strong evidence-based planning and prioritisation of projects, the

right ownership model that suits the needs of our population and its geographic location, innovative funding and financing, and a strong, trend-based infrastructure investment pipeline.

I encourage the government to look at the decisions made by the Labor Party and the Public Service that underpinned the delivery of those decisions, and which by the end of the Labor term caused such confidence in the pipeline of infrastructure that even devastating, catastrophic events which took place did not damage long-term business confidence and investment in this state. Indeed, the very recent media attention has focused on the very positive news that confidence in the South Australian economy is at the best that it has been in eight years.

It should go without saying, therefore, that this is a result that should see this new state government, or any body that it seeks to create to provide advice to it, acting quickly to translate this confidence, which Labor so carefully crafted whilst in government through consistent and careful infrastructure investment, into long-term growth and employment figures for our state. Any body that the government is seeking to create should also look closely at this record. However, I have to admit I am somewhat concerned that the body may not be constructed in a way that is conducive to doing so.

As I mentioned, the body has the albatross of significant governance concerns to it but, further to this, it also lacks voice. It will have significant and unprecedented powers to obtain evidence, to reach into companies and raid their corporate knowledge, to compel them to do so upon pain of financial penalty, and it will have hand-picked, rubber-stamped appointees of the minister, untouched by the will of the parliament. But, then, it will meekly present these behind closed doors to the government.

It will presumably have no regional representation, where a great deal of the state's infrastructure is located and, indeed, a number of the government's members. Certainly, no regional representative is mandated by the bill to sit on the board. It will be subject to the whims of budgetary process, where its long-term view may well be cherrypicked by the government, or maybe just the Treasurer, seeking only re-election.

There is form here for this government already. We all know the last budget was the Treasurer's, not the government's. Just ask any member of the north-east of Adelaide, who lost their TAFEs, their Service SA, their bus routes and their ambulances all in one budget. While the concerns around governance may make this body a lion, in terms of a metaphor it is the reverse of the mouse that roared—it is the lion that can squeak.

This then begs the question: why give these unprecedent powers? Why sacrifice so much good governance in the pursuit of outsourcing a body beyond the public servants who have delivered so much to the state over the last two decades? Why are we risking all the confidence that this state has in infrastructure delivery, in terms of the good jobs that this state has created in construction and growing communities?

Infrastructure is about more than just cement, rail, cable or fibre. It is about the social impacts of delivering these economic outcomes to communities that will otherwise struggle with bottlenecks or inability to grow industry and population. I have previously noted this government's belief that it wishes population growth to be a hallmark of its time in government.

There can be no doubt that the confidence that the Labor Party created will help facilitate this goal, but getting the economic priorities right around infrastructure to facilitate and foster this growth is important in making sure that taxpayers' money is invested wisely and in meaningful projects that give something back to the community. Further than just economic outcomes of good infrastructure planning, it has never been more important that the infrastructure needs of our state also keep in mind the creation of vibrant communities that are healthy and well connected.

In summing up, a failure to do so could mean that this government fails in its goal to beat the predicted growth in population, which would see our state remain a clear fifth in terms of population in its capital and regional areas.

The Hon. R.I. LUCAS (Treasurer) (11:18): I thank all honourable members for their contributions to the second reading of the Infrastructure SA Bill. The passage of this legislation would

fulfil the delivery of one of many of the government's long-held policies; that is, the creation of a body developing long-term infrastructure planning that brings with it a higher level of transparency.

Members have quite rightly identified in their contributions that decisions regarding infrastructure investment have often been difficult to understand, and the priorities placed on one project over another often lead to accusations of pork-barrelling. Indeed, many examples have been provided by members, but I will not go over these again.

While it will always be up to the government of the day to ultimately decide the priorities for infrastructure, this body will improve decision-making, and create more transparency, which will effectively mean that decisions regarding infrastructure made by the government, which may be inconsistent with recommendations of Infrastructure SA, will need to be carefully explained to the public. On behalf of the government I thank both the Greens and the Opposition for their consideration of this bill and the lodging of their amendments.

We have considered these amendments and have reached a number of compromises which we believe will enhance the bill. The contributions made by the opposition and members of the crossbench indicate broad support for this legislation; however, similar to the productivity commission, this bill must be workable for the government and we simply will not be able to accept some of the amendments that have been put forward. We have worked where possible to reach compromise positions to ensure that the bill is agreeable to the honourable members of the council, and I look forward to, on behalf of the government, working through these amendments in the committee stages of the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. M.C. PARNELL: Just a very brief observation at clause 1. I want to put on the record my thanks to the Premier and his staff for the personal briefing that they provided in relation to this bill. I acknowledge what the Treasurer has just said in summing up the second reading, that whilst he did not quite use these words, 'if we push too hard, they could do a productivity commission on us' and effectively not bother with legislation and proceed with an administrative version of Infrastructure SA.

So I wanted to put at the outset that whilst I understand that is a very real possibility if the government feels that what this Legislative Council provides them as we go through clause by clause is unworkable, that they may well take their bat and ball and go home, I would urge them not to. Of course, you can look at this legislation with a glass half full or a glass half empty. The Hon. Justin Hanson talked about a level of non-government bureaucracy. You could similarly say that it is an avenue of independent advice, or you could go back to being cynical again and say that it is a group of people to hide behind when the government wants to make an unpopular decision and they can say, 'Well, Infrastructure SA made us do it.'

The answer is that this body has the potential to be all of those things, but what I would urge the council to do as we go through this is to look at it with as much of an open mind as we can. The Greens are certainly on the record as supporting the bill. We will be supporting some but not all of the opposition amendments and I hope that at the end of this process we end up with something that the government can work with, because I do think that a legislated infrastructure body is better than an administrative body, because then we are back in the bad old days of the previous government where they did appoint mates to key advisory bodies, and the public was kept in the dark as to how those bodies worked. So my plea, I guess, at clause 1, is for us to work constructively through this bill.

The CHAIR: Does any other honourable member wish to make a contribution at clause 1? Treasurer.

The Hon. R.I. LUCAS: Just briefly, Mr Chairman. I do not want to unduly delay the proceedings of the committee. In response to part of what the Hon. Mr Parnell has said, I

acknowledge the work that the Premier himself and his advisers have done in terms of reaching out, endeavouring to reach compromise with all members in relation to the proposed amendments and, ultimately, the bill. The only point I would make in relation to the honourable member's observations is that I do think it would be difficult for any government, Liberal or Labor, ultimately to hide behind Infrastructure SA for an unpopular decision, the example the honourable member used, and say it is their fault.

Ultimately, the structure of this is quite clear. Infrastructure SA makes recommendations, but the decision is for the cabinet, whether Labor or Liberal. It would be difficult to say, 'They made us do it.' They might, to an extent, say, 'This is the advice, and we have accepted their advice contrary to our better judgement' or something, but that is still a decision the government must take separately and independently. The only issue in all of this is that there will be, if the bill goes through as the government would wish, transparency to the extent that, when that occurs, there will be public exposure of those sorts of differences, and for the government of the day, if it has taken a different response to the Infrastructure SA recommendation, to explain why that was the case.

I understand the other options that the member talked about, but in relation to the one which stated that government of the day could eventually use Infrastructure SA as camouflage or cover for an unpopular decision and then say 'they made us do it', I do not think that would fly in the end. Certainly, I would speak on behalf of this particular government to say that we would not even endeavour that particular option because, ultimately, the position that we have adopted is that the final decisions on these key infrastructure projects rests with the government of the day. This is an advisory body, and it is not them dictating what has to be done. It is them providing their best advice as to what they think should be done, but ultimately the government of the day has to respond and make a decision for which it must answer to.

Clause passed.

Clauses 2 to 8 passed.

Clause 9.

The Hon. C.M. SCRIVEN: A point of clarification: is it possible to ask the mover of the bill questions prior to moving to the amendments?

The CHAIR: Absolutely, yes. This is a free-ranging committee. You can make statements or ask questions, and you can move the amendment standing in your name, if you so choose, at any point. You have the call, if you wish it.

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

Amendment No 1 [Scriven–1]—

Page 5, line 28—Delete 'may' and substitute 'must'

This amendment simply makes the change for greater transparency by ensuring that Infrastructure SA must publish statements, reports and guidelines relating to the performance of its functions, whereas the current bill says that it may. The stated purpose of establishing Infrastructure SA is to increase transparency and accountability, as the Hon. Mr Hanson mentioned and as did the honourable Treasurer a few moments ago

As I said in my second reading speech, these are worthy goals, but this bill does not require that Infrastructure SA publishes its statements, reports and guidelines. It seems absurd to suggest that this body would be independent and transparent yet not be required to publish reports and guidelines about how it is to operate—and this is a body that will be making major recommendations about infrastructure for many years to come, involving billions of dollars. It seems to me that it must surely simply be an oversight. To ensure that its functions are transparent, the amendment stating that they must publish those items should be accepted.

The Hon. R.I. LUCAS: The government opposes this particular amendment. It is certainly much broader than the explanation the Hon. Ms Scriven has just put on the record in terms of explanation for her amendment. From the government's viewpoint, this particular amendment is certainly way too prescriptive and burdensome, in essence, in requiring the board to publish every statement it makes. Clearly, key documents like the 20-year strategy, the five-year capital statement

and the annual reports will all be published. There is no doubt that all those documents are going to be published.

The interpretation of the member's amendment is that it would, in essence, in the government's view, be simply not practical for Infrastructure SA to have to publish, in particular, all statements relating to the performance of its functions. Everything that Infrastructure SA did in relation to the performance of its functions—and its functions are obviously very broad, as the bill indicates—and anything that related to the performance of its functions, in terms of a statement or report, would have to be published.

The honourable member's explanation was a much narrower interpretation of her particular amendment but the practical effect of the honourable member's amendment is much broader than she has explained. From the government's viewpoint, in terms of the advice that Infrastructure SA provides to the government of the day, it would wish for that to be frank and fearless and independent.

As I said, ultimately, if Infrastructure SA, having reached a final position, recommends a position which they know will be or will possibly be more likely to be opposed by the government of the day, Liberal or Labor, then ultimately if the government of the day takes a different position to Infrastructure SA, that will be made apparent and the government of the day will have to explain publicly or in the parliament why it has taken a view different to the recommendations of Infrastructure SA. Whilst I think that is a worthwhile transparency and accountability mechanism, I do not think one should inhibit the capacity for frank advice and exchanges to occur between an independent body and the government of the day in the process of arriving at decisions and recommendations that they might take.

The other point that the government would put on the public record is that the equivalent provisions in other legislative schemes, such as the Essential Services Commission of South Australia, which is again a similar—although not the same—independent body, are discretionary and not mandatory; that is, ESCOSA is not required to publish everything. It ultimately has to be answerable for the decisions and annual reports and those sorts of things which you would expect it to be accountable for, but ultimately it is not required to publish everything that they either commission by way of a report or statements that they might make internally, either amongst themselves or to other agencies or to third parties. They are not required to publish those on the public record.

I think the impractical nature of the amendment from the honourable member should be apparent to all fair-minded observers, in that it is not a requirement required of other independent bodies and should not be one that is required of this independent body, Infrastructure SA.

The Hon. M.C. PARNELL: The Greens would hope that Infrastructure SA would see fit to publish statements, reports and guidelines relating to the performance of its functions. The question that this amendment invites us to address is whether it ever has any discretion at any time to publish or not. It does not restrict it to any particular statement, report or guideline. Basically, I think the amendment says that anything that they do that could vaguely be described as a statement, report or guideline must be published.

It seems to me that the most important documents I think are going to be published, as the Treasurer said. There are a few other documents that I think we could quite properly mandate the publication of. There is an amendment that we will get to later on and it will be up to the Hon. Clare Scriven as to how she handles it.

My understanding is that one important guideline is the methodology for calculating cost-benefit analysis of projects. My understanding is that the government appears willing to require that to be published. It happens be packaged in the same clause with another measure that the government is not happy with, which causes some difficulty, but my understanding is that the government seemed to reasonably think that, yes, publication in advance of the methodology of the cost-benefit analysis would make sense.

So I think that we can, on a case-by-case basis, mandate reports or guidelines or statements to be published. The idea that this body must publish anything that could even vaguely fit within that

description, those words 'statements, reports and guidelines', is probably overkill. As a result the Greens will not be supporting this amendment.

The Hon. F. PANGALLO: My colleague the Hon. Connie Bonaros and I will be opposing this amendment.

The Hon. J.A. DARLEY: I agree with the government's position on this amendment, so I will be opposing it.

The Hon. C.M. SCRIVEN: I would like to respond to some of those contributions, and thank honourable members for letting the chamber know their intentions in regard to this. However, I point out that, contrary to the way the Treasurer was referring to it, the amendment does not state that Infrastructure SA must publish all statements, reports and guidelines, simply that it must publish those things in relation to the performance of its functions. To suggest it will be every document that is ever produced by this body is misleading.

It is simply that if this body is going to be undertaking a body of work—which it obviously will be—we need to have some oversight of its performance in terms of how much it deals with and the mechanisms it uses to deal with that. Again I thank honourable members for their contribution, and commend the amendment.

Amendment negatived; clause passed.

Clause 10.

The Hon. C.M. SCRIVEN: First, I have some questions for the Treasurer. Regarding subclause (3) and the process for nominating persons to the board, what sort of qualifications, knowledge, expertise and experience in infrastructure planning, funding, delivery management and other relevant areas is the Treasurer anticipating would be required?

The Hon. R.I. LUCAS: I am not sure I can add much more than subclause (3) indicates. It broadly indicates the areas of expertise. It a clause similar to what we use in a number of board appointments; we might broadly say that you need financial planning expertise or planning expertise or legal expertise. Sometimes it is a bit easier in relation to legal expertise because you can say that someone has to be a qualified lawyer for five years or more or 10 years or more or something like that.

In relation to broad areas of infrastructure planning, funding, delivery, management and other relevant areas of expertise it is not as easy to say that someone needs five years in a particular specific and recognised occupation such as a lawyer. Persons involved in expertise in infrastructure planning could come from a variety of backgrounds: they might be people with legal experience, they might be people with business experience, they might be people out in the public sector, they might be people with planning experience, they might be people with development experience.

There would broadly be a range of persons who could, according to the government of the day, fit those particular broad definitions. I am sure it is impossible to be prescriptive by saying, 'It's only someone with this particular background,' in terms of infrastructure planning. Infrastructure planning is such a broad area of operation, and while I will not repeat myself, many people who are active in infrastructure planning would have a variety of different backgrounds which have brought them to this broad area.

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

Amendment No 2 [Scriven–1]—

Page 6, after line 12—After subclause (5) insert:

(5a) A person may only be appointed if, following referral by the Minister of the proposed appointment to the Statutory Officers Committee established under the *Parliamentary Committees Act 1991*—

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

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

This amendment provides for the parliament's Statutory Officers Committee to review the minister's proposed appointments to the Infrastructure SA board. The committee would then be able to approve or reject the appointments as appropriate. As I alluded to in my initial contribution, we need to remember that Infrastructure SA's decisions will potentially involve billions of dollars—billions of dollars—and impact the lives of South Australians for decades to come. Yet, the members of this body will not have been elected by the people of South Australia.

Much has been said by members in the other place regarding their desire for the removal of alleged politicisation of decision-making, as has also been alluded to in this place. There will be nothing to stop highly political appointees to this board. Indeed, some of the names that have been circulating as possible appointees to this board have been politicians who were booted out of parliament by the people of South Australia—or, more specifically, the people of a federal electorate.

I take note of the comments by the member for West Torrens in the other place that it is not the case that former parliamentarians should never have a role in a body such as this. He comments that there is a wealth of experience that can be useful to governments as they move forward; however, noting the answer to my previous question by the honourable Treasurer in terms of expertise and experience, it is clear that there is not really anything limiting who might be appointed to this board. There are no specific requirements.

Being realistic, I understand the Treasurer's point; it is hard to prescribe that it must be a qualification in surveying, or a qualification in law, or a qualification in finance. However, I would hope that most members here would agree that we do not want hyperpoliticisation of such a body. Given the honourable Treasurer's answer to my previous question, it is clear that hyperpoliticisation certainly can happen with the bill as it stands. This amendment requires that there is a mechanism simply to ensure that hyperpolitical appointments are not made.

It is just a mechanism; it does not mean that it will necessarily change the nature of the board if hyperpolitical appointments are not being made. I point out that the Statutory Officers Committee would only have 21 days in which to consider the appointments. If they were not disallowed in that time, then the appointments would proceed. It cannot be used as any kind of impediment to the smooth functioning of the board.

It is not to say that, out of political vindictiveness, this chamber could ensure that the committee never dealt with the appointments and therefore stopped the body from operating because members could not be appointed. There is no such possibility, because 21 days seems a very modest period to enable suitable scrutiny. The rhetoric around this bill has been very much about accountability and transparency. If it is about accountability, why would we have any problem with appointees to this board being referred to the Statutory Officers Committee for consideration?

As the elected representatives of South Australians, this parliament should have a role in determining Infrastructure SA's membership and ensuring that it is truly independent. If we want it to be truly independent, scrutiny of 21 days by this committee seems entirely reasonable. This amendment would allow that scrutiny to occur.

Parliamentary Procedure

VISITORS

The PRESIDENT: Whilst the Treasurer is consulting, may I welcome the students of Pulteney Grammar School. Welcome to the Legislative Council.

Bills

INFRASTRUCTURE SA BILL

Committee Stage

Debate resumed.

The Hon. R.I. LUCAS: The government, unsurprisingly, opposes this particular amendment. The government's position is that this particular requirement is inconsistent with the treatment that this parliament has outlined for a number of other boards. Typically, only independent officers generally require approval by the Statutory Officers Committee. In particular, this parliament would

be familiar with the Electoral Commissioner, the Ombudsman, the Judicial Conduct Commissioner and the Independent Commissioner Against Corruption.

Those sorts of independent statutory officers have a broad role either to hold executive to account or a broad role such as that of the Electoral Commission, where the Electoral Commission is clearly seen as an independent authority with oversight of the whole electoral process. The Independent Commissioner Against Corruption holds not only the executive to account but the parliament and, indeed, lots of other potential individuals as well, public servants and others. That has been the role of the Statutory Officers Committee, and the government thinks that is an appropriate role for the Statutory Officers Committee.

As I said, if we are going to start requiring a whole variety of boards to pass through the process of vetting by the Statutory Officers Committee, then we are opening up a whole new process in relation to an appropriate role for the Statutory Officers Committee. Again, I can only repeat that Infrastructure SA is not a decision-making body. It is an advisory body to the government and, as I said in response to the earlier contribution of the Hon. Mr Parnell, ultimately the government of the day has to be held to account for the final decisions taken.

It cannot say, 'Infrastructure SA made me do it.' It can say that Infrastructure SA recommended it or recommended against it. The government of the day either agrees or disagrees with the recommendations of the independent advisory body, but it has no final decision-making capacity. The ministers of the day have to be accountable for the decisions they take. The notion of the amendment is that this particular board should be treated, and have its appointments conducted, in a completely different way to appointments to all other boards, some with only advisory responsibilities but some who actually have significant powers.

There are a range of boards, such as the boards of ReturnToWorkSA and SA Water, that take significant decisions independently of government that impact in a significant way on a large number of South Australians. If we are going to establish this process for an advisory body that provides advice to government, that these particular people have to be vetted by the Statutory Officers Committee, then one can see similar arguments being mounted in the future whenever other boards, which actually do have the power to take significant decisions, are considered by the parliament.

It was never the approach of the now opposition, the former Labor government over 16 years, that when those particular acts were opened up they said, 'We should have these particular appointments vetted by the Statutory Officers Committee.' It seems a convenient argument for the opposition all of a sudden to say, soon after they arrived in opposition after 16 years in government, 'We now think that we should significantly limit the capacity of the new government to make appointments to an advisory body, such as Infrastructure SA,' when they quite merrily went about their way for 16 years whilst they were in government appointing whoever they wished to however many bodies they wished.

In my particular area, we have been steadily removing so many Labor former members of parliament who have been appointed to chairs of very significant bodies, such as Funds SA and Super SA and various other bodies like that, all over the place. As I said, the former Labor government was quite happily going about its business in terms of appointments to bodies that could make decisions.

In this case, we are talking about appointments to an independent advisory body to government. I think the Premier has demonstrated his bona fides in the first appointment he made to the productivity commission, of someone who has formerly served both Labor and Liberal governments interstate and at the national level. I received a copy of a letter from the current Labor Treasurer in Victoria, congratulating the new productivity commissioner on the work that he had done in Victoria and wishing him well in relation to future endeavours. Tim Pallas sent a copy of the letter to me as the South Australian Treasurer.

I think the new Premier has demonstrated his bona fides in relation to this particular area. Contrary to, I think, the suspicions that there were from the Labor Party that he was just going to appoint cronies and mates to the productivity commission, he has demonstrated through his first

appointment that he is actually looking for quality people who can add value in terms of the advice, whether it be with the productivity commission or elsewhere.

I can assure you, knowing who he has in mind in relation to Infrastructure SA, in terms of the chair of the position, that he is looking for quality people who can actually add value to the work that needs to be done. He is not looking to appoint a former Liberal member of parliament to be the chair of Infrastructure SA. He is looking to appoint someone who will add value and merit.

For all those reasons, we think this particular amendment is misguided. It is inconsistent with the approach that the former Labor government adopted over 16 years, and we do not see any merit as to why, now that they are in opposition, they should apply this new standard to the Liberal government.

The Hon. C.M. SCRIVEN: I note that the honourable Treasurer refers to the fact that the Electoral Commission appointees are in fact referred to the Statutory Officers Committee, so there is certainly a precedent. I would argue that there seems to be an inherent contradiction in the honourable Treasurer's argument on this in alleging that various cronies have been appointed in previous years. Surely that is an argument for why there should be better oversight. To then argue that there were cronies in the past but 'we trust the new Premier now' just seems to be a fairly inconsistent and shallow argument. There is a contradiction there.

Secondly, to characterise Infrastructure SA in the same way as some of these other boards again seems rather misleading. Infrastructure SA will be giving advice for an infrastructure plan for 20 years—20 years for the state, many billions upon billions of dollars.

An honourable member interjecting:

The Hon. C.M. SCRIVEN: Indeed. To say, 'Well, a whole variety of boards don't have this'—a whole variety of boards are not having such influence over the future of our state for 20 years or more and over billions upon billions of dollars. Further, these other boards that the honourable Treasurer refers to do not have coercive powers to go into private businesses and demand information. That is a very considerable power.

The Hon. J.E. Hanson: With penalties.

The Hon. C.M. SCRIVEN: With penalties, indeed. Moving next to the arguments of the people in mind and that they are worthy people: that is very good to hear, very comforting to know that only worthy people are envisaged to be recommended to be appointed to this board. But if that is the case, why is there a problem with a 21-day scrutiny by the Statutory Officers Committee?

Twenty-one days is a short period of time. It would ensure that not only is the person a good person who is going to be appointed to the board but they are seen to be a good person. Surely, that can only strengthen the confidence that South Australians and this parliament would have in Infrastructure SA. For all of those reasons, we continue to put forward this amendment.

The Hon. R.I. LUCAS: Just quickly, I again repeat that it is an independent advisory board. Some of these other bodies—the member talked about billions and billions of dollars. Funds SA actually controls $30 billion of funds under management and it makes decisions independent of government. No treasurer can direct in terms of their funding. It is an example of where these other bodies do make significant decisions with billions of dollars, and in that case, $30 billion of funds under management.

The Hon. F. PANGALLO: SA-Best will be opposing this amendment. We feel that it could impact on ISA's independence. It is there to make recommendations, and the government will then look at whether it will follow through with those or not. I think trying to make them accountable in this regard would just not be feasible and would be unworkable, and I don't really think it is the position there for parliament to be able to interfere with it. So we will be opposing it.

The Hon. C.M. Scriven interjecting:

The Hon. F. PANGALLO: They are not making decisions; they are actually making recommendations to the government.

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

The Hon. M.C. PARNELL: The numbers seem fairly clear now. I agree and disagree with both the Treasurer and the opposition. I agree with the Treasurer that allowing the Statutory Officers Committee to play a role in the appointment of people is inconsistent with past practice, and I agree with the Treasurer that this is a non decision-making body. However, I agree with the opposition that, unless they are removed at a subsequent time during the committee stage, there are powers which do have criminal penalties attached, which does make them a decision maker in one respect.

I have been looking at the Statutory Officers Committee provisions of the Parliamentary Committees Act just to remind myself. I note that it is, at present, a government dominated committee, so I would have thought that the appointments the government recommends would go through. I cannot see, under the current composition of that committee, that any of the government's nominees would be knocked off.

Having a look at the act, it has a provision for government, opposition, and a crossbench member from both the upper and lower houses. Whilst the committee might have a majority of government members at the moment, or at least three out of the six with a casting vote, that is not enshrined forever. I agree with the Treasurer that it is a convenient argument for the opposition to now suggest expanding the work of the Statutory Officers Committee to include a range of people who have not historically been included.

I think we have all seen that the Labor Party in opposition is a different creature to the Labor Party in government, and they cannot hold their heads high when it comes to the appointment of mates to important positions. I think the Hon. Clare Scriven and I came to the same conclusion when, as she pointed out, the Treasurer is now culling appointments of mates that were made to committees. Well, there is a school of thought which says, 'If you want to prevent the mates being appointed to committees in the first place, then you have a level of scrutiny to try to discourage that practice, and maybe going through a parliamentary committee is the way to do that.'

The Treasurer's final point was effectively saying that after 16 years of Labor putting their mates in, this government is different, and his plea effectively was to 'Give us a chance to show that we are different, and that we appoint quality people who are not just political hacks to these important positions.' But, as I said, enough members have spoken now that it is clear the amendment will not pass.

Amendment negatived; clause passed.

Clause 11.

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

Amendment No 3 [Scriven–1]—

Page 6, line 17 [clause 11(1)]—Delete '5' and substitute '3'

This amendment simply seeks to ensure that a nominated member's term of appointment to the board does not exceed three years rather than the current five specified in the bill. I understand that the government will be supporting this amendment, so I will speak very briefly. It is simply around making sure that there is accountability on this occasion. It would therefore be consistent with the membership of the federal body, Infrastructure Australia, whose members are only appointed for three years. I will not speak further unless there is any other opposition to this amendment.

The Hon. R.I. LUCAS: I am advised the government is pleased to support this amendment. It makes it more consistent with lots of other appointments and, therefore, we will not oppose the amendment.

Amendment carried.

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

Amendment No 4 [Scriven–1]—

Page 6, after line 19—After subclause (1) insert:

(1a) An appointed member must not engage, without the approval of the Governor, in any other remunerated employment.

(1b) An approval under subsection (1a) must be published in the Gazette.

Amendment No. 4 is in regard to remunerated employment that might be undertaken by a board member of Infrastructure SA, and moves that such employment—not that it should not be allowed—simply should be public, so that it should be providing that transparency about other work that a nominated member might be engaged in. As we alluded to earlier in this contribution, the government has stated it wants appointees to this board to have 'qualifications, knowledge, expertise and experience in infrastructure planning, funding delivery, management and other relevant areas of expertise'.

It would seem quite likely that people with that kind of background and expertise, may well have gained their experiences within businesses that will have close interactions with governments, that might indeed be tendering for work on approved projects, that might have a strong interest in particular types of projects being progressed. In such situations, surely transparency must be absolutely paramount. To have any confidence in Infrastructure SA as an independent body, then surely any other work that is being undertaken by a board member should be clearly not a conflict of interest, and conflicts of interest have to be open and able to be seen at any time. So, again, these are projects with impacts worth billions of dollars that might be recommended by this board and plans that span 20 years.

Given the importance of the role of members of Infrastructure SA and the capacity for conflicts of interest, it again seems eminently reasonable to have openness around any other employment that a board member might be undertaking. I emphasise again that it does not mean that they cannot do it; it just means that it needs to be on the public record so that, if there is any perceived conflict, then that is clear.

I know that members will have a concern that perhaps the public might perceive a conflict of interest when it does not exist, but surely that is all the more reason for it to simply be approved. If that employment has been approved and published in the *Gazette*, it is clear to all that this person is totally above board and there are no issues around what they are recommending within their role as part of the Infrastructure SA board and the employment that they are receiving remuneration for. It is about ensuring that openness and transparency occurs, that there is total fairness and transparency and there are not only no conflicts of interest but also no perceived conflicts of interest.

The Hon. R.I. LUCAS: The government strongly opposes this particular amendment, both in principle but also in terms of the practical nature of how it might operate should the amendment actually be successful. The first point I would make is about the principle in relation to this; that is, that it is quite clear that, for a body like this, the board appointments are likely to be part-time appointments, not full-time positions. For the sort of quality people that we want, it will be clear that they will have to have expertise, because we talked about it in a previous clause in relation to a whole variety of infrastructure planning-related areas of expertise.

There are existing provisions that would be required, such as the Public Sector (Honesty and Accountability) Act 1995, that would apply to such board appointments—as they apply to other board appointments as well. There are very strict requirements in terms of managing conflicts of interest which exist. The interesting question for the honourable member to respond to is: why would we require a board member of an advisory body to go through this process of publicly revealing every other remunerated business or employment that they have entered into or are involved with, when we do not require the same thing of members of the Funds SA board or the SA Water board?

Again, I return to Funds SA: there is a body that is managing up to $30 billion in assets. The treasurer of the day cannot dictate the investment decisions of Funds SA. The sorts of people who are on the Funds SA board—or some of the people who are on the Funds SA board—have undoubted expertise in terms of funds management experience: financial planning and financial management expertise. They are the sorts of people you would wish to have on a Funds SA board, I would hope, in the interests of public servants, and indeed members of parliament, who rely on the investment returns of Funds SA.

We do not require—and Labor, who were in power for the last 16 years and for 30 of the last 40 years, or something, have never required—that this sort of management of potential conflicts of interest should be processed in the way that the honourable member is requiring potential appointments to this particular board to be appointed. It essentially means that the requirements that

exist for everybody else in terms of managing conflicts—namely, the Public Sector (Honesty and Accountability) Act, which places very strict requirements in terms of management of conflicts of interest on board positions, as it does in terms of the public sector generally—are not deemed to be sufficient for new members of an advisory body that does not make any final decisions in relation to infrastructure investment.

The other point I would make is in terms of the practicality of the provision that the member has drafted. In essence, the member is saying that the Infrastructure SA board member, before they engage in any other remunerated employment, would have to get the approval of the Governor. In strict terms, this means that it has to go through a cabinet process: you have to go through a cabinet meeting, the 10-day rule and get it approved. If the cabinet approves it, then get the Governor to come in to the Executive Council and sign off on it. That, in practical terms, is what is being said here.

For example, if a board member had a background in consultancy in the infrastructure planning area, when one looks at this, every time that particular person engaged in a contract of employment with ABC Pty Ltd or XYZ Pty Ltd or whatever it is—that is, a different contract of employment, their broad position as an adviser, corporate adviser or strategic adviser or consultant, whatever you want to call him or her—I am assuming that the impact of the honourable member's amendment would be that for each of those she would be requiring that that particular person would have to dolly along to the cabinet office, have a cabinet submission done, have cabinet approve it and then have the Governor and Executive Council sign off on it, that Mr Smith has just been engaged by ABC Pty Ltd in relation to infrastructure planning.

Then, the next week, when he or she takes on a job with XYZ Pty Ltd, you would have to go through the same process again. I assume you would then have to have some process when he or she concludes work for ABC Pty Ltd to take that off the record or something or remove it so that there is not this constant list of people this person happens to be working for a period of time.

The principle is wrong and we are arguing against the principle, but in practical terms how you would actually make this work. The reality is that some people are going to say that quality people you might want to put on the board are just going to say, 'Give me a break.' You do not require this of Funds SA or SA Water. It is not required in any other state or jurisdiction but, because a disgruntled former Labor government party that has been in government for 16 years and all of a sudden finds itself in opposition, has decided to impose this particular restriction, quality people are just going to say, 'Give me a break. I am not going to accept an appointment here in South Australia.'

If that is the intention of the opposition—they just want to drive quality people away from being appointed through this particular provision—if this amendment got up, that would be the potential ultimate result. We oppose it in principle but we also oppose, in practical terms, how this amendment would actually operate.

The Hon. M.C. PARNELL: Just to assist the chamber, I think the Treasurer has got the question right and it is what we have been debating in previous amendments. What we are debating now is this question of how to manage conflict of interest. It seems to me that there are two opinions before us. The Labor Party has a three-pronged proposal for managing conflict of interest: the first was parliamentary scrutiny of appointments, which has gone; the second one we are dealing with now is no outside work without getting approval first; and the third one that we will get to shortly is disclosure of interests. They are the three prongs that the Labor Party is saying are needed to ensure that conflict of interest is managed.

The government, on the other hand, are pointing out that there are existing mechanisms. They particularly point to the Public Sector (Honesty and Accountability) Act as being sufficient. I think where we are in agreement is that what you do not want on the board of Infrastructure SA is the executive of the concrete company who is forever recommending large concrete projects for which that person is likely to be the chief tenderer or at least have an interest in. It is pretty clear that we are trying to avoid that sort of stuff. The question before us is the mechanism as to how we do it.

I will be very interested to hear the debate about disclosure of interest, which we will get to next, but in terms of this idea that someone without the approval of the Governor cannot undertake any other work, and if the positions are, as the Treasurer has pointed out, very likely to be part-time,

effectively every member of this board will have to get permission to do any other paid work. I think the Treasurer is right in that that is too onerous. If the objective of the exercise is removing conflict of interest, then let's have a good look at the opposition's next amendment, which is about disclosure of interests, and let us look also at what the government says the effectiveness of the Public Sector (Honesty and Accountability) Act would be in relation to these people. The Greens will not be supporting this amendment.

The Hon. F. PANGALLO: SA-Best will not be supporting this amendment. To reiterate what the Hon. Mark Parnell said in relation to the make up of the ISA, there are three ex officio members who have been touted for it from the Department of the Premier and Cabinet, I believe, DPTI and Treasury and Finance. Again, it becomes quite onerous that they then have to go through that process, so we will be opposing it.

The Hon. J.A. DARLEY: I agree with the government's position on this one, and will be opposing the amendment.

The Hon. C.M. SCRIVEN: I would like to point out that the Treasurer keeps referring to Infrastructure SA as though it were like any other board in the state, as though this is just, 'Move along, nothing to see here, it can be like this one, it can be like that one, we don't need any extra scrutiny.' I suggest that if the Treasurer is concerned about Funds SA maybe he should be flagging changes to its accountability as well.

This is a unique body. It is going to have not just advisory powers but also coercive powers, and penalties will be able to be applied to those who do not follow directions in terms of the coercive powers. It is a different body; it is making recommendations for 20 years or more—

An honourable member: Of capital investment.

The Hon. C.M. SCRIVEN: Of capital investment, it is making recommendations involving billions upon billions of dollars of capital investment, so it is a unique body and cannot be compared in the same way to some of the other bodies, as the Treasurer is seeking to do.

Finally, to suggest that transparency will drive good people away from South Australia is, I think, offensive in the extreme to the many, many people who will be attracted to contributing to this body in ways that best meet their capacity and experience. Transparency for most people, good governance for most people, is an attraction and certainly not a deterrent.

The Hon. F. PANGALLO: I imagine the Hon. Clare Scriven, when she talks about the coercive powers, is referring to the fact that it can look into the financial situation of proposed construction companies—which I actually think is a good thing. I can think of many companies over the years that have conducted work for the government that subsequently went under, leaving many workers without their entitlements or wages.

It is important that we know that any construction company engaged in work for the government is able to carry out that work and do it in a way that is financially viable. I think it is good that it has those coercive powers; it needs to be able to determine if those companies are going to be financially viable in order to carry out that work.

The Hon. C.M. SCRIVEN: In response to the Hon. Mr Pangallo's statement, we need to realise that without this amendment, or at least similar amendments that we will be discussing later, someone on the board who is working on behalf of a competitor could arrange for that competitor's business to provide information. There is potentially a real conflict that exists there, so it is even more important that if someone on the board is doing any remunerated work that it be transparent so that those things cannot occur.

If I were on the board and was doing work for Mr Jones' company, in my position on the board I cannot say that I will go into Mr Smith's company, who is a competitor of Mr Jones, and find out all their financial information, which would obviously expose their competitive advantages or weaknesses.

The Hon. F. PANGALLO: That is why we have ICAC.

Amendment negatived; clause as amended passed.

Clauses 12 to 16 passed.

New clause 16A.

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

Amendment No 5 [Scriven–1]—

Page 8, after line 11—After clause 16 insert:

16A—Disclosure of interests

An appointed member must disclose their interests in accordance with Schedule 1.

This amendment seeks a disclosure of interests for those appointed to the board of Infrastructure SA. I again come to the rhetoric around the establishment of this body. Apparently, it is about transparency and accountability. All members of federal parliament, state parliament and local government are required to disclose their interests in a similar way to that proposed in this amendment. Some of those members are dealing with annual budgets that are a fraction of the amount involved in the infrastructure projects this board will be recommending.

We require an extensive disclosure of interests for members of the District Council of Grant, which has a population of 6,000-odd. We require an extensive disclosure of interests for members of the Wattle Range Council and any of the other rural councils, which have very small budgets and very small populations. However, we are saying that we do not need to have a similar disclosure of interests for members of a board that will be making decisions worth billions of dollars in capital investment over 20 years—recommendations in terms of the plan. We are saying we do not want to have a similar disclosure of interests as we require from members of local government.

Noting that the previous two amendments, which were also around accountability and transparency, have not been supported, it seems this amendment is even more important. Why would we accept less transparency from members dealing with decisions that potentially have a far-reaching impact on our state than we would for a member of a local council? This disclosure must be made to the minister and then to the parliament.

It is a necessary amendment, given the importance of the role and the capacity for conflicts. Given that members of the chamber have not supported the previous amendments, here is an opportunity to ensure that the level of disclosure required for members of this board is at least the same as that which is required for a member of a small regional council, other councils and state and federal parliament.

The CHAIR: Before the Treasurer rises, for the benefit of honourable members, the Hon. Ms Scriven is seeking to insert this amendment and it refers to schedule 1. The current bill as tabled by the government does not have a schedule. A further amendment—No. 28 [Scriven–1]—inserts the schedule. At this point, honourable members may wish to address the schedule as well. If honourable members vote for this amendment, they need to be aware that they are also potentially voting for the Hon. Ms Scriven's schedule. I understand the Hon. Mr Parnell also has an unrelated schedule.

The Hon. C.M. SCRIVEN: Amendment 28 is the schedule and, of course, is consequential to this amendment, if it passes. I will just mention that the schedule, 'Disclosure of interests', is modelled on the same disclosure of interests required for members of this place. Again, it has extreme similarities to that required by members of local government and federal government.

The CHAIR: By way of further clarification, it would be appropriate at this time for honourable members to address to the Hon. Ms Scriven any concerns that they have with the contents of the schedule. We can have that substantive debate at this point in time ahead of it being formally moved later.

Parliamentary Procedure

VISITORS

The PRESIDENT: I acknowledge in the public gallery the former member for Hartley. Welcome.

Bills

INFRASTRUCTURE SA BILL

Committee Stage

Debate resumed.

The Hon. R.I. LUCAS: For reasons I have outlined before and will repeat again, the government opposes this particular amendment. As I have referred to—and I think the Hon. Mr Parnell also summarised the government's position—the government believes that the Public Sector (Honesty and Accountability) Act is the act that applies to board members. As I instanced earlier, it is the act that is relied upon to govern conflicts of interest, declarations of pecuniary interest and those sorts of very important issues for a whole range of existing boards that actually make decisions and do not just advise the government about decisions it might make.

I return to the Funds SA board, the SA Water board, the ReturnToWorkSA board and any number of government business enterprises and government-related boards where board members are actually making decisions. In the Funds SA case, investment decisions are made that account to billions of dollars; we are not talking about minor amounts of money. In relation to SA Water, decisions are taken in relation to hundreds of millions of dollars on a common basis.

Those particular board members are governed appropriately by the Public Sector (Honesty and Accountability) Act. On appointment, they are required, so I am advised, to disclose their pecuniary interest to the relevant minister in writing in accordance with the regulations. That is the process that has applied, for however long the public sector honesty and accountability provisions have existed—it has been a long time—to board members of Funds SA, SA Water and all those other boards. It will also apply, so I am advised, to Infrastructure SA.

It is the government's position, and we believe it to be not an unreasonable position, that if this is the process for managing potential conflicts of interest for boards that actually make decisions for hundreds of millions of dollars or billions of dollars, why is that level of accountability not also sufficient for Infrastructure SA board members, who do not make decisions but just make recommendations to the government of the day for the decisions that, ultimately, the government of the day has to take?

Again, I can only repeat that this is the sort of disclosure regime that, as the member indicates, as elected officials we in parliament and local council members readily acknowledge. Parliaments have outlined those particular requirements for elected officials, and we have set ourselves apart for reasons that have been argued in the past as to why we should be set apart. We equally argued as a parliament, and accepted the position of the former Labor government on many occasions, that what was sufficient in relation to board members was to be governed by the Public Sector (Honesty and Accountability) Act.

In relation to that process, which is outlined there in terms of conflicts of interest, the particular board member has to disclose those pecuniary interests. If there is any further pecuniary interest of a kind which is specified in the regulations, he or she has to disclose those interests in writing to the minister, and if there is any potential conflict, the minister has powers in relation to requiring resolution of those particular conflicts.

I am referred to section 8, also of the Public Sector (Honesty and Accountability) Act, which states the duty of corporate agency members with respect to conflict of interest. Without going through all of that again, it is quite prescriptive in relation to what the duty of a corporate agency member is who may have a direct or indirect personal or pecuniary interest in a matter decided or under consideration by the agency or the governing body of the agency. There are quite prescriptive provisions.

I stand corrected. Section 17 is the one that relates to the agency board members, not section 8.

The Hon. C.M. Scriven: We will not hold it against you.

The Hon. R.I. LUCAS: That is alright. Section 17, to which I was referring earlier, is the appropriate one, which is about the duty of senior officials with respect to conflict of interest. The earlier explanation that I was giving in relation to the prescriptive requirements of section 17 of the Public Sector (Honesty and Accountability) Act are the ones that would relate to the potential board members of Infrastructure SA.

For all those reasons, the government again opposes this. We think it is an additional onerous requirement on potential board members. We think it would discourage board members, and therefore we do not support it.

The CHAIR: The Hon. Mr Parnell was just slightly faster to his feet. We will come to you, the Hon. Ms Scriven.

The Hon. M.C. PARNELL: Thank you, and I thank the Hon. Clare Scriven, but I wanted to pursue this exact avenue. I expect the Treasurer saw me previously obtain my copy of the Public Sector (Honesty and Accountability) Act from the back of the chamber. It is not an act that I have had a lot to do with, but it seems to me that there are three areas that potentially could cover the members of Infrastructure SA. The minister started referring to section 8 of that act, the duty of corporate—

The Hon. R.I. LUCAS: I started at 17, then I moved to 8.

The Hon. M.C. PARNELL: Anyway, the three sections are: section 8, which deals with the duty of corporate agency members in respect of conflict of interest; section 12, which is the duty of advisory body members in respect of conflict of interest; and section 17, which is the duty of senior officials in respect of conflict of interest.

The difference between those, it seems to me, is that I do not think the advisory body section applies. That only relates to unincorporated bodies and this will be an incorporated body, so scrub section 12. We are now back to whether it is between sections 8 or 17. The difference between them, and this could be important, is that if we were talking about corporate agency members, then the requirements of them are basically to disclose in writing conflict of interest, to not take part in discussions, to not vote in relation to anything, and to be absent from the meeting room. To paraphrase, they are the four main obligations if we are talking about corporate agency members.

If we are talking about senior officials, then that is a different category. It seems to me that the obligation on the senior official is to disclose his or her pecuniary interests to the minister. That is a bit different, because if it were a corporate agency member it was direct or indirect personal or pecuniary interests. If we are only talking about senior officials, we are only talking about pecuniary interests.

That, as I can see it, is basically it. I cannot see that section 17 requires them to not participate in meetings, to not vote in meetings and to leave the room. It may well be that there is something in the regulations, which I do not have in front of me, that actually applies a different standard. If we want to ask a simple question of the minister: is the requirement to not take part in discussions, to not vote and to leave the room applicable to senior officials the same way that it would apply to a corporate agency member under section 8?

The Hon. R.I. LUCAS: I will come back to that in a tick, but can I just make it clear that the final, considered piece of advice I have received is that it is clause 17 that we are talking about. I refer the honourable member and members to clause 17 of this bill, 'Honesty and accountability', which reads:

> The appointed members of the board are senior officials for the purposes of the Public Sector (Honesty and Accountability) Act 1995.

It makes it quite clear in this particular bill to which particular provision, of the many provisions in the Public Sector (Honesty and Accountability) Act that one might select from, one should be referring to. Clause 17 in this bill says these people are going to be senior officials for the purposes of the act. Therefore, we do not have to worry about sections 8 and 12 of the Public Sector (Honesty and Accountability) Act. We are talking about clause 17.

One other interesting distinction between section 8 and clause 17—section 8 is irrelevant anyway, because it is there—in terms of comparing the two is that when one looks at section 8 in the

act, it says that a corporate agency member who has a direct or indirect personal or pecuniary interest in a matter does certain things. It would only be in the case where you had a judgement, where you had a direct or indirect interest in a particular matter, that you are then required to do certain things. The requirements under the senior officials in clause 17 are that as soon as you are appointed, you have to go through this process of declaring your pecuniary interests.

All of that is quite clear. From where the Greens and the Hon. Mr Parnell would normally come, I would have thought he would be more inclined to say, 'You should be declaring upfront what your pecuniary interests are.' I think that is probably closer to the position—although not as far as the Hon. Ms Scriven would like to go—where at least, upfront, you are declaring all of your pecuniary interests in some way. The corporate agency provision seems to refer—again, I hate to say I am not a lawyer—to when you think you have a conflict of interest. You then have to go through this process of how you handle it.

Turning to the next issue, we now know we are just talking about section 17 of the Public Sector (Honesty and Accountability) Act. In that, I referred earlier to:

> A senior official must—
>
> (a) on appointment as a senior official, disclose his or her pecuniary interests to the relevant Minister in writing in accordance with the regulations…

The obvious question I have, and I am sure other members would have, is what do the bally regulations actually say? Finally, I now have—with thanks to my adviser's mobile phone and googling, and all those sorts of wonderful things that we do these days—a copy of the regulations. In relation to what has to be disclosed—bearing in mind, as soon as you are appointed, you have to disclose—what are the pecuniary interests you have to disclose? These are quite prescriptive:

> Pecuniary interest
>
> 1. A contract of service, office, trade, vocation, business or profession in respect of which the person receives or is entitled to receive any remuneration, fee or other pecuniary sum (not being payable under the Act).
>
> 2. An office held by the person (whether as a director or otherwise) in a company or other body (whether or not incorporated) in respect of which the person received or is entitled to receive any remuneration, fee or other pecuniary sum.

When you do that, you have to reveal:

> The name and address of the company or other body and the amount of the remuneration fee or other pecuniary sum.

In relation to the earlier one, 'contract of service', the information that is required is:

> A description of the contract, office, trade, vocation, business or profession and the amount and source of the remuneration, fee or other pecuniary sum.

It would seem to indicate you have to not only indicate what your interest is, but in some way a measure of the extent of the pecuniary interest. Further on, under pecuniary interest, what you have to disclose is:

> 3. A company, partnership, association or other body in which the person is an investor.

In that case you have to reveal:

> The name and address or description of the company, partnership, association or other body.
>
> 4. Land in which the person has a beneficial interest (other than by way of security for a debt).

You just have to provide the address or description of the land in that case.

> 5. A trust (other than a testamentary trust) of which the person is a beneficiary or trustee.

In that case, you have to provide:

> A description of the trust and the name and address of each trustee.
>
> 6. Any other pecuniary interest of the person of a kind determined by the Minister.

So, the minister evidently can determine any other pecuniary interest in relation to that.

For the purposes of this regulation—

(a) a reference to a beneficial interest in land includes a reference to a right to reacquire land; and

(b) a person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust; and

(c) a person is an investor in a body if—

(i) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds $10 000; or

(ii) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

I am indebted to my adviser's mobile phone and Google. I think that is a relevant question, which I certainly had as the minister handling the bill, and I would have thought other members would have; that is, this requirement would appear to be up-front you have to declare your pecuniary interest. It is in accordance with the regulations which have been set down, and they are quite prescriptive and quite onerous. Then there is this process which I have outlined, and which the Hon. Mr Parnell would have before him, in terms of how you would manage particular problems that might arise in relation to conflicts of interest.

The Hon. M.C. PARNELL: I thank the minister for his answer. I think where that leads us is the minister has said that the appointees to Infrastructure SA have to declare certain things in advance. They go through section 17, they go through the regulations, and the minister has listed some of the things that they have to declare up-front. The Hon. Clare Scriven has an amendment which has a slightly different list to be inserted as a schedule which, again, is a list of things that have to be declared.

One of the questions is: how different are the two lists? Are there things on the Hon. Clare Scriven's list that are essential and must be included, or are the things in the Public Sector (Honesty and Accountability) Regulations sufficient? We will see what other members have to say about that. My comfort with the bill as drafted is improved by now knowing that there is this advanced disclosure of pecuniary interests, which are the main ones we are interested in. In terms of 'What does it mean if someone does have a pecuniary interest?' section 17 goes on to say that if there is a pecuniary interest, and then goes on to say 'or other personal interest', so the idea of a personal interest is picked up as well.

If that conflicts, or may conflict with, his or her duties, the main obligation is, firstly, to disclose that in writing to the minister and, secondly, to not take action or further action in relation to the matter, except as authorised in writing by the minister. The obligation on the person with a conflict of interest—whether it is disclosed or not (the interest will be disclosed, if it is a pecuniary interest)—if there is a real or apparent conflict, is to not take action or further action in relation to the matter. My guess would be that that probably means, if the board of Infrastructure SA is considering a matter where a board member has a direct conflict of interest, that they will leave the room and are not going to participate in the discussion.

That is what I would have thought was the logical consequence of this provision. Before determining this matter finally, I would be interested to hear from the Hon. Clare Scriven whether there are things in her schedule that she thinks are vital areas of disclosure that go above and beyond the disclosure required by section 17 of the Public Sector (Honesty and Accountability) Act.

The Hon. C.M. SCRIVEN: I thank the Hon. Mr Parnell for his contribution. I will also state that I am not a lawyer, but my understanding of some of the key differences between the honesty and accountability act requirements and the disclosure of interest schedule that we have here is that the schedule, as proposed in my amendment, would include interests of close family members. I am happy to be corrected, but my understanding is that that is not included the act to which the honourable minister refers.

The schedule would include the declaration of gifts, which I think is of considerable importance in terms of ensuring that there is public confidence in the members of the board. It would also include membership of a professional organisation, including, for example, an industry advocacy organisation. Whilst that may not be a direct pecuniary interest, it is certainly of relevance in terms of the operations of the board and its membership.

I think it comes down to a key question. Those matters that I have just mentioned are particularly relevant, and the bill would be improved by having those things included in terms of a disclosure of interest, but there is a further question, namely, do we actually care about the confidence of the South Australian public in this body? There have been attempts by the honourable Treasurer to say that this is just like any other board or any other body and therefore we do not need to have anything different. However, it is relevant that Funds SA, for example, is not looking at capital investments, as I understand it. The capital investments that Infrastructure SA will recommend will be very considerable.

Again, there has been an argument that this is only an advisory body that will just be making recommendations. I think it would be ridiculous for any of us to suggest that those recommendations are not going to hold a great deal of weight. If they do not hold a great deal of weight, why are we bothering with creating such a body in the first place? For all of those reasons, I think it is really important that the South Australian public has confidence that the people appointed to this board do not have conflicts of interest.

We can talk to them about the Funds SA board. Most people have probably never heard of the Funds SA board, so it would not really have much relevance to them; however, when a 20-year strategy for infrastructure planning for the state is released, I think most South Australians will have a great deal of interest in it.

Therefore, I think that the transparency, the accountability and the ability to have confidence in the total neutrality of this board are absolutely paramount. This will be a unique body, and it will have a higher level of public interest than perhaps the other bodies that have been referred to in terms of comparison. The schedule: (1) enables a broader disclosure of interests, and (2) is proactive. I note the honourable Treasurer's comments that the public accountability act does require proactive disclosure, but that is not to the same extent as the schedule proposed in my amendment.

The Hon. R.I. LUCAS: I refer the Hon. Ms Scriven to subsection (4) of section 17 which states:

> Without limiting the effect of this section, a senior official will be taken to have an interest in a matter for the purposes of this section if an associate of the senior official has an interest in the matter.

I will bow to the lawyers in the room as to whether associate includes family member or not—I am not sure. I guess my layperson's interpretation, a non-lawyer's interpretation would be that it would, but I just refer the honourable member to that particular provision.

The other point that I would make in relation to the two schedules is that should the honourable member's amendment be successful, there would actually be two disclosure regimes that would operate: the government's disclosure regime and the honourable member's disclosure regime, as I understand it. So, the board members are going to have to go through those two processes.

The one thing I would say about the disclosure regime for members of parliament—and I suspect it is the same for local councils—is that whilst we have to disclose an interest, we never, ever disclose the extent of the value of that interest. If the Hon. Ms Scriven has shares in Santos, she does not have to declare that she has $2 million worth of shares in Santos, or whatever it is, or, indeed, $20 worth of shares in Santos. It is just that you have a level of interest. My reading of those regulations that I referred to earlier is they would appear to indicate, in terms of the values of the pecuniary interests, that they have to be disclosed in some way. I am not necessarily talking about the shares but in terms of a range of other remunerated interests or pecuniary interests that they have.

Therefore, I certainly think that in that particular respect the disclosure of pecuniary interests that is required under the Public Sector (Honesty and Accountability) Act, at least on the surface—and again, the caveat is that I am not a lawyer—would appear to be that it goes a step further than what is required of us. It has been an interesting debate over the years about the disclosure of interest of members of parliament. If the Hon. Mr Parnell has one Santos share and the Hon. Ms Scriven has 100,000 Santos shares, why should the disclosure of interest be exactly the same? The Hon. Ms Scriven might be more influenced by a decision in relation to Santos than the

Hon. Mr Parnell might be because one share might not mean as much as 100,000 shares to the Hon. Ms Scriven.

However, that is the regime that this parliament has accepted for many years and I assume it is the same for local councils. I have not looked at it. It is actually different in that respect in relation to the Public Sector (Honesty and Accountability) Act, but that is not a public disclosure. That is something that has to be disclosed in relation to the particular board, and the minister has access to that in circumstances where there is a potential conflict of interest that needs to be resolved as well. So, there are two different mechanisms, and what the honourable member is seeking to do is to add a separate disclosure regime, which is a public disclosure regime, and, again, as I said earlier, it is completely unrelated to what occurs in other boards.

I disagree vehemently with the honourable member's view, which is that no-one or very few people would care about Funds SA. Trust me, you should speak to the tens of thousands of superannuants within the Public Service. I think they would be interested to know the honourable member's dismissive views about the importance of Funds SA or, indeed, the retired superannuants—the tens of thousands out there. They would be interested in the view that the Hon. Ms Scriven has, that this is not really as important as Infrastructure SA, which only advises.

It is the same thing with SA Water. SA Water's decisions impact on almost every South Australian. Again, the dismissive view that Infrastructure SA has more impact on South Australians out there than SA Water or Funds SA, or indeed ReturnToWorkSA, is a view that I strongly disagree with. I think they are all important boards but the difference is that Infrastructure SA makes recommendations; these other boards, in many cases, take decisions which impact on either all South Australians or tens of thousands of South Australians in relation to their superannuation earnings.

The Hon. C.M. SCRIVEN: I would like to place on the record that the Treasurer has misrepresented my comments in regard to those other boards. I will check the *Hansard*, but my recollection is that I referred to the awareness of those boards rather than their importance. That is a cheap political point that is not helpful to the debate.

The Treasurer suggested that this is adding an additional level of scrutiny, and I do not think that is a problem. Given the context we are in of the banking royal commission and the information that has come out of that, the level of trust people have in such institutions is probably historically at the lowest point it has ever been, certainly in my lifetime. So I do not think an additional level of disclosure of interests for a body that will make recommendations that have huge ramifications for the state is unreasonable.

We are constantly hearing the rhetoric around transparency and accountability, yet so far in this debate we are constantly trying to avoid a high level of scrutiny of the membership of the board. I cannot agree with the Treasurer's views.

The Hon. M.C. PARNELL: In the interests of advancing this debate—which has been a good and healthy one I think, and we are possibly now down to arguing over fairly fine detail—the position the Greens have landed on, having had further explanation and more information, is that the regime under the Public Sector (Honesty and Accountability) Act provides for proactive disclosure of pecuniary interests. There is a separate requirement for disclosure of actual or potential conflicts of interest, whether they arise from a pecuniary or a personal interest. As the Treasurer pointed out, that extends to associates of the senior officials as well.

We have got most of what the Hon. Clare Scriven sought to achieve through her amendments. I do not like the idea of having double or parallel systems of reporting and accountability, so the Greens' view is that we will accept the provisions of the existing law in the Public Sector (Honesty and Accountability) Act and will be opposing this amendment and the schedule related to it.

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

The Hon. F. PANGALLO: We will be opposing it.

New clause negatived.

Progress reported; committee to sit again.

Sitting suspended from 12:58 to 14:15.

Parliamentary Committees

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The Hon. D.G.E. HOOD (14:15): I bring up the report of the Crime and Public Integrity Policy Committee on the Independent Commissioner Against Corruption (Investigative Powers) Amendment Bill, and move that it be printed.

Report received and ordered to be published.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Actuarial Valuation Report as at 30 June 2017 of the Electricity Industry Superannuation Scheme

By the Minister for Human Services (Hon. J.M.A. Lensink) on behalf of the minister in another place—

National Environment Protection Council—Report, 2016-17

Question Time

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:17): I seek leave to make a brief explanation before asking a question of the Minister for Human Services about housing.

Leave granted.

The Hon. K.J. MAHER: I have asked the minister many times in this chamber recently about the National Partnership Agreement on Remote Indigenous Housing: before the 30 June expiry of that program, after the 30 June expiry of that program, and in the lead-up to this year's state budget. I have spoken to leaders in Aboriginal communities from the Far North, in the Anangu Pitjantjatjara Yankunytjatjara lands, in the Flinders Rangers, the Far West Coast and to the south of the state.

I have had correspondence with leaders in other remote communities as well. There is huge concern about this issue in communities. Despite this, a recently released freedom of information application shows that the Ngapartji agreement was not on the agenda once for any ministerial meeting with the Minister for Human Services and the chief executive at any time at all from March through to June—not once on an agenda with the chief executive. My questions to the minister are:

1. Where in this year's state budget is there any provision—even $1—for remote Aboriginal housing at all? Where can I point to say to Aboriginal people, 'See, here's some money for your housing'?

2. Why hasn't the minister spoken to a chief executive once at a regular chief executive meeting about the Ngapartji agreement?

3. Can the minister now advise the chamber exactly how much state funding is available in the 2018-19 year, and how much federal funding is available in the 2018-19 year for remote Aboriginal housing?

4. Is the minister seeking to secure a 10-year agreement, as per the last Ngapartji agreement, or would she contemplate accepting a mere one-year deal if it was offered?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:19): I thank the honourable member for his question. Clearly, with the activities that have been taking place in Canberra recently,

that has caused some difficulty in terms of closing an agreement with the commonwealth government.

Members interjecting:

The Hon. J.M.A. LENSINK: It's a fact. I think it's well known. In terms of the documents to which the honourable member refers, he may have obtained certain copies of agendas. I can assure the honourable member that I have had discussions on multiple occasions with my departmental staff about this at the most senior level. He may be aware that the functions for housing have now shifted to the newly created Housing Authority. Prior to that, I had several discussions in relation to this matter with both the CE and the relevant director responsible.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): Supplementary question: the minister referred to meetings at the most senior level of her department. How many meetings has the minister had with departmental officials solely on this matter?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:20): I would have to go and check the record to know how many exactly. In fact, that would actually be quite difficult to ascertain because I have regular meetings with my CE on a weekly basis, now also with the CE of the Housing Authority on a weekly basis, then there are a range of other meetings in between. I can assure the honourable member that I have discussed this matter multiple times—

The Hon. K.J. Maher: With your chief executive, ever?

The Hon. J.M.A. LENSINK: —with my chief executive and with the relevant senior people previously within DHS and now within the Housing Authority.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): Has an offer been put to the minister for one-year funding for remote Aboriginal housing, and did the minister recommend acceptance of that offer to her cabinet colleagues?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:21): The honourable member well knows that these cabinet discussions are not within the scope of discussion outside of cabinet.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): A further supplementary: was a one-year deal put to the minister, the minister agreed verbally to it and then got rolled by her colleagues not to accept it?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): The Leader of the Opposition would like to speculate about something of which he clearly has absolutely no understanding—none.

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

The Hon. J.M.A. Lensink interjecting:

The PRESIDENT: Minister, restrain yourself. Hon. Ms Scriven.

MILLICENT AND DISTRICT HOSPITAL AND HEALTH SERVICE

The Hon. C.M. SCRIVEN (14:22): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding Millicent hospital.

Leave granted.

The Hon. C.M. SCRIVEN: Before the state election, then Liberal candidate and now Liberal member for MacKillop, Nick—sorry. We know who he is.

The Hon. J.M.A. Lensink: Nick McBride.

The Hon. C.M. SCRIVEN: No. I thought we couldn't say his name.

The PRESIDENT: 'The member for MacKillop' is the proper title.

The Hon. J.M.A. Lensink: Sorry. The member for MacKillop, yes.

The Hon. C.M. SCRIVEN: Thank you for your assistance, even though it was wrong. The member for MacKillop said about the Millicent hospital that the Liberal Party had a plan regarding it to 'offer increased services to this very large regional population'. Will the minister advise the council what new services have commenced at Millicent hospital and, if they have not commenced, what services have been allocated and when will the new services commence?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I thank the honourable member for her question; it's very similar to a question that she asked in recent days. But let's be abundantly clear that the direction for the South-East in terms of health care will be fundamentally different under a Marshall Liberal government. We are devolving health care.

I think it would be fair to say—the Hon. Rob Lucas, being a native of that region, would agree—that the people of the South-East are some of the most concerned about centralisation. So they were one of the most concerned communities when, over the last 10 years, the former government abolished the boards and centralised power in the city. I have received overwhelming support from the people of the South-East in terms of our board devolution programs. I'm delighted that—

Members interjecting:

The PRESIDENT: Excuse me, minister. Can the Leader of the Opposition and the Leader of the Government cease their private conversation. Minister.

The Hon. S.G. WADE: On 2 August, I was pleased to announce eight of the board chairs. I am delighted to say that, in relation to the two remaining board chairs—for the South East board and the Eyre and Far North board—expressions of interest closed last Friday. I look forward to considering the assessments of the selection process and taking a recommendation to cabinet in due course.

What the new boards will fundamentally do in the regions is put control of budgets back in the hands of local people. People are sick and tired of a centralised Labor bureaucracy in the city deciding what's best for them. Once those two board chairs are appointed, shortly after—or about the same time maybe, depending on the timing of the announcement—there will be advertisements for board chairs to join the boards, which will be chaired by the 10 board chairs who are being appointed. They will have responsibility for managing the budgets in the South-East.

I have already advised the house that there was recently a new contract for medical services at Millicent. That new board will have the responsibility of working with the communities in the South-East, the health advisory council, clinicians and the communities right across that region, to work out what is best for the South-East.

I think the country communities are the communities that are most likely to benefit from board devolution, because they are the most diverse. Can you imagine the difference in the health services in a large provincial city like Mount Gambier and the challenges of trying to deliver services in a remote community like Coober Pedy? Local solutions in the country are much more likely to be diverse and innovative, and I look forward to that being the case in the South-East.

MILLICENT AND DISTRICT HOSPITAL AND HEALTH SERVICE

The Hon. C.M. SCRIVEN (14:26): Supplementary: is the minister saying that the member for MacKillop's statement that there was a plan to offer increased services was false?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): The member for MacKillop is part of a Liberal team that has put in place board governance that will drive planning and resource allocation by local people.

MILLICENT AND DISTRICT HOSPITAL AND HEALTH SERVICE

The Hon. C.M. SCRIVEN (14:26): Supplementary: just to clarify, there is no plan to offer increased services, merely to wait for the regional health board to make their decisions?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): The Marshall Liberal government is planning to increase services at Millicent and all of our hospitals throughout country South Australia and in the city.

RITE BITE

The Hon. E.S. BOURKE (14:27): My question is for the Treasurer. Does the Treasurer agree that fresh fruit and vegetables are an important part of a child's daily diet? If so—

The Hon. R.I. Lucas: Agree—what did you say?

The Hon. E.S. BOURKE: An important part of a child's daily diet.

The Hon. R.I. Lucas: Strawberries, did you say?

The Hon. E.S. BOURKE: Just fresh fruit and vegetables; a fairly clear-cut fact. Will the Treasurer explain why the government cut not only an educational healthy eating program but a program that ensured 10 schools across the state, both in regional and metropolitan South Australia, schools like Swallowcliffe in Davoren Park, received fresh fruit and vegetables, through the Rite Bite program?

The Hon. R.I. LUCAS (Treasurer) (14:27): As a representative of the government, I wholeheartedly endorse the consumption of plenty of fresh strawberries over the coming days and weeks and months, in terms of supporting our strawberry producers. Indeed, I am devastated that I was 30 seconds late for the photograph that the honourable member organised at 10 minutes past two, evidently, with all of us holding onto strawberries. I am not only devastated that I missed out on the photo, but I also missed out on the punnet of strawberries. I promised my wife over the lunch break that I was going to bring home a punnet of strawberries as a freebie, but I've missed out on that.

I wholeheartedly endorse the eating of healthy fruit and vegetables. I have to say, I am probably not the best advocate for the eating of fresh vegetables in the government. It is probably very wise that the Premier didn't appoint me as health minister, for a variety of reasons. I also hate injections, so the notion of once a year having to line up for blood donors or whatever it is, as all ministers of health seem to have to do, would have filled me with horror.

In relation to the specific program that the honourable member has referred to, which I assume is an education department-funded program, I will have to take advice from my much healthier colleague, the Minister for Education, in relation to what plans he has in place in relation to the healthy consumption of fruit and vegetables in very large proportions by all of our young people in South Australia.

PUBLIC HEALTH

The Hon. J.S.L. DAWKINS (14:29): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding public health.

Leave granted.

The Hon. J.S.L. DAWKINS: Members of the council know my long interest in holistic wellbeing, particularly as it feeds into mental health. I spoke earlier this month on some of the simple steps people could take to help make R U OK? Day successful, as well as highlighting World Suicide Prevention Day. Will the minister update the council on action people can take to support their personal health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): I thank the honourable member for his question. The Marshall Liberal government is committed to supporting South Australians in making improvements to their health, not only through the provision of quality health services in and out of hospital but also by encouraging a vision of holistic wellbeing and encouraging South Australians to take personal action.

By way of responding to my honourable colleague the Treasurer, I assure the Treasurer that I have had my flu vaccination this year. Unfortunately, I got in too quickly and SA Health media missed their opportunity, but I thank the President for facilitating flu vaccinations in the house this year. I also assure the Treasurer that I had a pear and a banana for lunch.

There are many factors that contribute to the better health and wellbeing of individuals and the community. Some require state-of-the-art equipment and service delivery; some are as simple as ensuring you get the right amount of sunshine. SA Health's Chief Medical and Chief Public Health Officer has issued a statement encouraging South Australians to think about their vitamin D levels and what they can do to ensure they have sufficient vitamin D.

We are leaving the winter period, and as we move into spring there is an opportunity to address vitamin D deficiency. Vitamin D is essential for healthy bones and muscles, and although we think of Australia as the sunburnt country, it is estimated that about 30 per cent of Australian adults are vitamin D deficient because they aren't getting enough sunshine. Vitamin D deficiency doesn't have obvious systems but can cause health effects, including bone and muscle pain and softening of the bones.

The best source of vitamin D is the direct UV from the sun, but in winter most people tend to spend more time indoors. When they go outside, the extra layers of clothing mean many people aren't getting the exposure to the sun they need. National research has found the prevalence of vitamin D deficiency rises to about 50 per cent of women during the winter and spring months. Infants, children and elderly adults are also at higher risk. Particularly in older adults, weakened bones can increase the risk of falls or fractures.

Fortunately, despite the negative outcomes of deficiency, there are simple steps we can take to help boost vitamin D. Firstly, there are small amounts of vitamin D in some foods, such as fish, milk and eggs. However, food alone only contributes about 10 per cent of what the body needs. UV is necessary for the production of vitamin D in the skin, but as Australians know too well, it is also a cause of cancer.

It is important to get the balance right. From May to August, it is recommended that South Australians get two to three hours of sun per week, while in the summer months just a few minutes is sufficient to boost vitamin D levels. Your local GP can check vitamin D levels with a simple blood test and provide supplements if required.

AGED-CARE FACILITIES AUDIT

The Hon. C. BONAROS (14:33): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing.

Leave granted.

The Hon. C. BONAROS: SA-Best has been reliably informed that earlier this year, the state government called for tenders for an external audit of all 45 of the state government-run residential aged-care facilities and multipurpose service facilities in regional and remote South Australia. The audit was in the wake of the Oakden aged-care facility scandal, subsequent investigation and the damning report of the ICAC. The tender document described the scope of the audit as thus:

> To engage external contractors to undertake an assessment of all systems and processes and the living and lifestyle environment for all residential aged care and multipurpose service facilities.

The expected start date for the audit was August of this year, with an expected finish date of April 2019 and with a preferred tenderer expected to spend a minimum of two days at each facility. My questions to the minister are:

1. Can the minister provide the house with general details about the audit and the reasons for it?

2. Did the audit commence at the expected start date or has the audit start date been delayed?

3 Is a similar audit being undertaken on state government-owned residential facilities in metropolitan Adelaide? If so, what is the scope and time frames of that audit? If not, why not?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:34): I thank the honourable member for her question, and you might by way of supplementary remind me if I miss issues. The member is completely correct that the government, before it formed government—the Marshall

Liberal team—developed a concern about a gap in oversight of residential aged care facilities in South Australia.

My understanding is that there are three basic streams of residential aged care within the South Australian health services. One is what I would call the commonwealth-accredited and funded residential aged care. In other words, these are the allocated places from the federal government and they attract the commonwealth benefits. Secondly, there is the cluster of services, which the honourable member referred to: the multi-purpose services. These tend to be—sorry, don't tend to be, they are all country facilities where both aged care and hospital services are provided.

The third element is what I would call state-funded nursing home-type places. Whereas the second category tends to be clustered in a unit, you might have nursing home patients in health facilities, and the bed itself may not be dedicated to the residential aged care, but because the person who is admitted to the bed is a nursing home-type patient, they are funded accordingly. What happened before the election, and I won't take this opportunity to recount the tragedy of Oakden, but one of the issues that emerged from that is that that second group, the multi-purpose service hospital cluster, was not actually subject to accreditation.

So that was a significant concern to me and I did make public comments before the election that if I was fortunate enough to take up the role as Minister for Health and Wellbeing, I would address that. Since the election, I have had discussions with my department with a view to an accreditation-type audit for that middle section, for the groups that are not subject to commonwealth accreditation. In discussions with my department, and these have been quite recent, so I wouldn't have expected the contract would have been finalised, but I can come back with the details for the honourable member.

But the issues that SA Health and I are trying to grapple with is what is the most cost-effective way of delivering an accreditation review of that middle section because we also want to take the opportunity to do, if you like, a quality check on the commonwealth accredited as well, so we're not excluding that first category. I appreciate that they are subject to the commonwealth accreditation regime, but in discussions with SA Health, there will be some elements of this project that will deal with the first category: commonwealth-accredited residential aged care. Certainly, some of the discussions I have had with my department were recent. I don't know whether the contract has been finalised, but I will come back to the member with details on that.

AGED-CARE FACILITIES AUDIT

The Hon. C. BONAROS (14:38): Is there any intention to undertake a similar audit for those residential facilities that are in metropolitan Adelaide?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:38): Thanks very much for that question. I appreciate that you did ask me that in the first bit, but I did omit to address that. In terms of the health portfolio, there is only one facility in the metropolitan area that has commonwealth-funded residential aged-care beds, and that is the Northgate facility, which is the facility to which some former residents of Oakden were transferred when Oakden was closed in July last year. My honourable ministerial colleague, the Minister for Human Services, does have a number of residential aged care-funded facilities within the disability services network, but the Northgate facility is the only residential aged-care facility in the South Australian health portfolio in the metropolitan area.

I am very pleased to advise the house that the Northgate facility received a very strong accreditation earlier this year. So that one, because it's commonwealth funded, is subject to the full commonwealth accreditation regime.

ASSISTANT MINISTER TO THE PREMIER

The Hon. R.P. WORTLEY (14:39): I seek leave to make a brief explanation before asking a question of the Assistant Minister to the Premier.

Leave granted.

The Hon. R.P. WORTLEY: The assistant minister advised this chamber on 4 September that:

> I was allocated an office on 27 August, so since then I have set up my email address…

And that you had also been allocated a ministerial adviser who was contactable. You later, when answering a question, stated:

> I had been allocated an email address; however, they have not given me a phone. Since then, I have applied or let my office know there is no phone sitting on my desk…

When the department of Multicultural Affairs was contacted today by my office, we were advised that the department did not have a ministerial email for the Hon. Jing Lee, only a parliamentary email address. My questions are: do you now have a phone and, if so, what is the number? What is your—

Members interjecting:

The Hon. R.P. WORTLEY: Does the honourable government think it's funny to want to know an office phone number?

The PRESIDENT: Don't include commentary on the government members. Get the question out.

The Hon. R.P. WORTLEY: What is your email address that you conduct your portfolio responsibilities from, and is the department aware of this address? What are the office contact details of your adviser? Are you using your parliamentary office outside of the parliamentary sittings for the purpose of conducting your portfolio responsibilities? Are you still using your parliamentary email to conduct your portfolio business?

The Hon. J.S. LEE (14:41): Thank you to the honourable member for his many questions. Yes, I do now have a ministerial email address, and I would encourage the honourable member to send me a quick email now so that I can respond to him immediately. The email address is jing.lee@sa.gov.au. If you would like to call my office, my number is 8237 9408. If you wish to contact my ministerial adviser, that email is haley.welch@sa.gov.au.

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

ASSISTANT MINISTER TO THE PREMIER

The Hon. R.P. WORTLEY (14:42): It's not a supplementary, really. I asked a question—

The PRESIDENT: Let me interpret whether it's a supplementary. Go ahead.

The Hon. R.P. WORTLEY: I did ask whether the Hon. Ms Lee is still using a parliamentary office to conduct her portfolio business. Are you still using your parliamentary email to conduct your portfolio business, and is your department aware—aware—of your email address? Because they weren't this morning.

The PRESIDENT: The Hon. Ms Lee, the Hon. Mr Wortley has asked a supplementary by way of clarification.

The Hon. J.S. LEE (14:43): I am quite certain that the department does know or is aware of my email address—definitely. From time to time, when parliament is sitting, I use my office here. Sometimes requests for meetings are conducted here in Parliament House, based on the requests of constituents.

ASSISTANT MINISTER TO THE PREMIER

The Hon. R.P. WORTLEY (14:43): Supplementary: is the honourable member using her parliamentary email for portfolio business?

The Hon. J.S. LEE (14:44): During this transition period, from time to time constituents will just write to me using my parliamentary email address. Then that would be forwarded to my ministerial adviser for attention and would be dealt with under portfolio business.

The PRESIDENT: The Hon. Ms Lee, you have the call for a question.

Members interjecting:

The PRESIDENT: Those on the government benches—I call you to order!

BAPTIST CARE SA

The Hon. J.S. LEE (14:44): Thank you, Mr President. My question is a very sensible and responsible question for the Minister for Human Services about NDIS. Can the minister please update the chamber about the work of Baptist Care SA and the opportunities for all NDIS service providers in South Australia in the transition of services to the scheme?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:45): I thank the honourable member for her interest in this area and for her question. I was very pleased to attend the annual conference of Baptist Care SA on Monday 10 September at the Clovercrest Baptist Church, which was also attended by the member for Wright. The Baptist Care Conference is, from my understanding, put on for its staff and its title this year was From Adversity to Opportunity. It was focusing on BCSA services spanning over some 100 years in supporting vulnerable and disadvantaged people to reconnect in the community.

In relation to the NDIS, there is due to be an expansion of the market in South Australia from the current $750 million, through grants that are provided to providers annually, to $1.5 billion in South Australia to some 32,000 participants at full scheme once they have all transitioned. Baptist Care is part of that. A number of non-government providers have a range of opportunities to provide innovative and client-focused services to participate more fully in attracting their clients.

Baptist Care has a range of services in South Australia. It was created in 1913 and has grown to have more than 1,200 dedicated and professional staff delivering vital services throughout South Australia. These include NDIS, as I have mentioned, accommodation and homelessness services, programs for Aboriginal South Australians, refugee services, education and training and chaplaincy services. Their purpose statement is: 'Finding ways to make people's lives better'.

I was very pleased to open the conference. There were a number of keynote speakers, in particular Mr Paul Nixon, Deputy Chief Executive, Chief Social Worker and Director of Professional Practice at Oranga Tamariki—Ministry for Children in New Zealand. He is a highly qualified practitioner in child protection in a range of areas. He is originally from the UK and now works in New Zealand. There were speakers on NDIS: how can we make it a positive experience? Obviously, there are a lot of challenges. There was a range of other speakers and I can happily provide that to members for their interest if they would like to have a look at the program.

I congratulate Baptist Care on having such an interesting program, and wish them well in their future directions.

MEDICAL CANNABIS

The Hon. T.A. FRANKS (14:48): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about medicinal cannabis and addictions.

Leave granted.

The Hon. T.A. FRANKS: Last night, in this place, the Lambert Initiative presented to a group of MPs and, prior to that, to the Minister for Health and Wellbeing and some on his staff and from his department in a more private format. The Lambert Initiative, for those who are not aware, was initiated when Barry and Joy Lambert made an unprecedented donation of some $33.7 million to the University of Sydney for research into the therapeutic use of medicinal cannabis.

Currently headed by Professor Iain McGregor, who we had the good fortune to meet last night, along with one of his colleagues Rhys Cohen—I thank the Speaker in the other place for his hosting of the event in partnership with me—informed members, including the minister, about their work. That work includes cannabis as a medicine with potential in a range of areas such as paediatric epilepsy, cancer and pain, as well as some work that I am sure some members will be very interested in, studying the effect of cannabis on driving. What caught the members' attention the most, I think it would be fair to say, last night was their work on addiction, and indeed some of their work on addiction and methamphetamine.

The initial suite of studies that the Lambert Initiative has now completed found that cannabinoid strongly inhibits intravenous self-administration of methamphetamines in rats, with an animal model of what is colloquially known as ice, seeming to offer very positive results. At both the

public and private briefings, Professor Iain McGregor noted that South Australia could potentially be a site to trial the possible benefits of medicinal cannabis for those who are addicted to methamphetamine in our community. As we know, the harmful effects of that addiction include family and relationship breakdowns, as well as financial and legal stresses that are putting strains on individuals and our community.

My question to the Minister for Health and Wellbeing is: what leadership will he show in exploring possibilities to work with the Lambert Initiative in this state? They have noted we have a local product provided by GD Pharma, and we have a particular social problem of this addiction, particularly in our regional areas. Indeed, we now have an opportunity to see if medicinal cannabis can address and alleviate those addictions. Will he work with other members of this place to see that potential realised?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:51): I thank the honourable member for her question. The South Australian government supports appropriate access to medicinal cannabis and ongoing research to build a broader evidence base for its practical application. In terms of access, in conjunction with the therapeutic goods authority, SA Health is in the final stages of putting in place an online portal to allow a single-access application pathway for unregistered medicinal cannabis products. This will reduce potential duplication and turnaround time.

The honourable member is correct that, in terms of medical research, there's a lot of work being done in areas including severe chemotherapy-induced nausea and vomiting, severe refractory childhood epilepsy and, as she mentioned, palliative care. I think it would be fair to say the range of research projects in this area continues to expand. I understand that there are currently clinical trials in Australia which are investigating medical cannabis use in areas as diverse as Tourette syndrome, back pain, insomnia, a specific form of brain cancer called recurrent glioblastoma multiforme, anxiety and mood disorders, moderate to severe acne vulgaris, and epileptic encephalopathy.

In this context, I do thank the honourable member for facilitating an opportunity for me to meet with Professor Iain McGregor and a colleague of his from the Lambert Initiative at the University of Sydney. The Lambert Initiative, as the honourable member highlighted, is dedicated to research on the potential applications of medicinal cannabis, and I look forward to the outcomes of their research. As the honourable member indicated, in the discussions that we had yesterday and later in conversations with clinicians from—sorry, I shouldn't say 'clinicians'; I'm not sure if they are a clinician or an officer—but certainly officers of my department and members of my own office, a suggestion was made of a clinical trial for medicinal cannabis in the treatment of ice users.

As the honourable member indicated, this research is still in its early stages—what you might call the exploratory stage; it's still working with animals. But the idea in itself not unattractive, and it does highlight the fact of the addiction element of ice use and the potential opportunities to address ice use through other means. Medical research funding in Australia is primarily provided through the commonwealth or charitable funds, but the South Australian government is certainly very keen to build our medical research capacity.

As the honourable member says, being the size we are it's a good size for all sorts of industries, and medical research is certainly one of them. My department has done a lot of work in partnership with health stakeholders, particularly in terms of GP education, it is working with the TGA in terms of improving the access pathway, and we are also open to support medical research.

GLOBELINK

The Hon. J.E. HANSON (14:55): I seek leave to make a brief explanation before asking the Treasurer a question about GlobeLink.

Leave granted.

The Hon. J.E. HANSON: In a recording from the budget lock-up, the Treasurer is reported as saying:

> Well it's not going to happen in the short term because we are funding $20 million in the short term in the next four years for the business case for GlobeLink. Our commitment was to undertake the business case for the master plan, and it has to be a successful business plan. So ultimately it's going to have to pass the business case test, it will have to be assessed by Infrastructure South Australia and if it's successful there because clearly if it's to go

ahead, if the business case says it's a tick and if it's to go ahead then it's going to need significant commonwealth government investment in the project. So there are some significant hurdles to cross yet, this is just three of the major ones.

Will the Treasurer confirm that one of the Liberal's flagship election commitments is contingent on a positive business case as well as commonwealth funding, and therefore may not go ahead?

The Hon. R.I. LUCAS (Treasurer) (14:56): I am happy to confirm that, as we announced in our policy document prior to the election, the GlobeLink proposal had to go through various proposals. It had to go through Infrastructure SA and Infrastructure Australia, and interlinked with Infrastructure Australia was obviously potentially a multibillion-dollar commitment from the commonwealth government to help fund it. I am happy to confirm, as we did quite clearly prior to the election, that there needs to be a successful business case, and that would obviously require an agreement from the commonwealth government for GlobeLink to proceed.

GLOBELINK

The Hon. J.E. HANSON (14:57): A supplementary arising out of that answer. Has the business case commenced? Who is undertaking the business case, and when is it due to be completed?

The Hon. R.I. LUCAS (Treasurer) (14:57): I would need to take advice from my colleague, minister Knoll, in relation to the progress on that. There is certainly a funding allocation this financial year for the commencement of the business case. As to how far that has advanced and whether or not he has already appointed somebody, I would have to take advice. I'm happy to do that and bring back an answer.

GLOBELINK

The Hon. J.E. HANSON (14:57): A further supplementary. If that business case is being done by a private organisation, then what is the role of Infrastructure SA in that?

The Hon. R.I. LUCAS (Treasurer) (14:57): This is a government of action. We are actually waiting to get the Infrastructure SA legislation through the parliament; we are hopeful that maybe this afternoon the South Australian Legislative Council may see fit to pass the Infrastructure SA legislation. If we are able to get the legislation through the parliament we will then be able to appoint Infrastructure South Australia.

We can actually chew gum and walk at the same time, as a government. The minister and the department have a funding allocation in relation to the GlobeLink project. If and when Infrastructure SA is able to be established, it will be able to commence its work. Nevertheless, we will continue with the important work that needs to be done, firstly in relation to a business case.

I also refer the honourable member to the equally critical infrastructure project—and from the government's viewpoint, one that should have been much further advanced—that is the South Road project. Sadly, the former Labor government had not completed business cases for the remaining bundles of work between Darlington and the River Torrens for the South Road project, so we have had to find funding for those business cases.

In relation to those business cases, they, too, will require going through Infrastructure Australia in particular in terms of trying to get federal government funding. But, we are not waiting for the establishment of Infrastructure SA again for that because, if we waited for the parliament to pass the legislation and for Infrastructure SA to get up, we would have lost valuable time in terms of being able to proceed with this action plan that this action government has in relation to implementing its election policy commitments.

The PRESIDENT: The Hon. Mr Hanson, a further supplementary.

GLOBELINK

The Hon. J.E. HANSON (15:00): Last supplementary: since this action government already has sufficient numbers of public servants to perform any number of business cases that it might like, why doesn't this action government get on with action and have those public servants perform that role instead of outsourcing it to Infrastructure SA?

The Hon. R.I. LUCAS (Treasurer) (15:00): I think the honourable member, with great respect, is confused, and that is perhaps a polite understatement. We are not outsourcing the business case development to Infrastructure SA. Ultimately, Infrastructure SA, if the honourable member followed the debate on Infrastructure SA, will be there to make judgements about various proposals that go before it, as does Infrastructure Australia. They are similarity constituted bodies in terms of the work they must undertake. It is up to the proponents—in this case, it will be the state government—to undertake the business cases or have them undertaken, and then to try to prosecute the case before Infrastructure Australia.

The Hon. J.E. Hanson interjecting:

The Hon. R.I. LUCAS: The honourable member's question was outsourcing it to Infrastructure South Australia. It is a misunderstanding of the situation in relation to the role of Infrastructure SA. The reason why governments, both the former Labor government and the new Liberal government, occasionally outsource business cases to consultants or private sectors operators, if that's what they do, is that they might make a judgement that the collective expertise within that particular department to do the appropriate business case may not be available. The former Labor government actually contracted out business case development on occasions to private sector organisations or operations, I assume for exactly the same reason.

GOODS AND SERVICES TAX

The Hon. D.G.E. HOOD (15:01): My question is to the Treasurer: will he update the chamber on the status of the GST negotiations with the commonwealth?

The Hon. R.I. LUCAS (Treasurer) (15:02): I thank the honourable member for his question, because I think in the last 48 hours I have received, as have all Treasurers I suspect, correspondence from the new federal Treasurer, Mr Frydenberg. On behalf of the government, and I am sure the chamber, we all wish him well in the challenge he has before him.

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: We'll just ignore him. The correspondence from the federal Treasurer to myself (and I assume to all the other Treasurers) was indeed to confirm the meeting of all the Treasurers—the federal Treasurer and the state and territory Treasurers—for, I think, 3 October, so about two weeks away, for further discussions on a range of issues, but the principle one, as I understand it, is a further discussion in relation to the GST deal, as it is colloquially referred to, which obviously relates also to a discussion about horizontal fiscal equalisation.

That will be the first opportunity the Marshall Liberal government will have in a formal setting to put to the new Treasurer exactly the same position that we put to the former treasurer, now Prime Minister Morrison—and we congratulate him as well—and the same position we put to the people of South Australia prior to the state election; that is, unequivocally, that the Marshall Liberal government won't be supporting any proposed GST deal that disadvantages the people of South Australia.

I can assure this chamber, on behalf of the government, and assure the public, that the state government's position remains as it was prior to the election, as it has been on a number of occasions in discussions I have had with former treasurer Morrison. Also, Premier Marshall has had discussions with both the former prime minister and the current Prime Minister, again in similar terms, reiterating our position that we won't be supporting any proposed deal unless we make a judgement that it is in the best interests of the people of South Australia.

GOODS AND SERVICES TAX

The Hon. T.A. FRANKS (15:04): Supplementary: will the Treasurer also assure the people of South Australia that the South Australian Marshall government won't be supporting a continued sanitary items tax?

The Hon. R.I. LUCAS (Treasurer) (15:04): What was the question?

The Hon. T.A. FRANKS: The tampon tax. Will you be supporting the removal of the sanitary items GST?

The Hon. R.I. LUCAS: On behalf of the government, I have placed on the record the state government's position that we will be supporting the proposed changes. As we understand it, all other state and territory governments will adopt the same position. That will be confirmed at the meeting on 3 October. What the process for implementing that change will be, I guess the new federal Treasurer will indicate. Not unsurprisingly, there have now been a range of other proposed changes to the GST base, which have been put to state Treasurers and perhaps also to the new federal Treasurer. At this stage, the only proposal that I'm aware of that is likely to get unanimous support is the issue raised by the honourable member.

SOUTH AUSTRALIAN INTEGRATED LAND INFORMATION SERVICE

The Hon. F. PANGALLO (15:06): I seek leave to make a brief explanation before asking a question of the Treasurer representing the Department of Planning, Transport and Infrastructure minister, the Hon. Stephan Knoll.

Leave granted.

The Hon. K.J. Maher: What's his name?

The PRESIDENT: Don't respond. Resist the urge to respond.

The Hon. K.J. Maher: Which minister?

The PRESIDENT: He has already said it.

The Hon. F. PANGALLO: The previous Labor government last year sold off the Lands Titles Office, although you wouldn't know it by their protests. I personally have used the services of the LTO sparingly; however, I accepted that there was a certain amount of information that the public could glean about titles, ownership and sales figures. A constituent has contacted me, alarmed at the amount of personal financial information he was able to access from historical property searches as a guest user on the South Australian Integrated Land Information Service, also known by the convenient acronym SAILIS.

Understandably, information is required for certain property transactions, but I was unaware that you could also see the full amounts of loans, names, their banks, etc. To me, without proper reason, this could result in serious breaches of privacy for the countless thousands of property owners on the register and also place sellers at a disadvantage compared with buyers. When I decided to take a look for myself yesterday by using the SAILIS historical searches guest user account, I found this message from the Registrar-General and the chief executive of Land Services SA, which has stopped free guest access:

> Land Services SA has been monitoring the level of attempted access to free historical searches using guest accounts. Given a recent increase in the level of attempted access, and out of an abundance of caution, Land Services SA in consultation with the Office of the Registrar-General have determined to remove guest…access to historical searches for the immediate future. Land Services SA and Office of the Registrar-General are working together to implement a longterm solution that will allow appropriate access to historical searches going forward.

Can the minister please explain the reasons for this bulletin and what is actually meant by 'given a recent increase in the level of attempted access' and 'an abundance of caution', and are there concerns about how this site is being used or abused?

The Hon. R.I. LUCAS (Treasurer) (15:09): The flippant response, which I'm not used to, is maybe the recent increase is as a result of the honourable member's research in relation to the issue, but I'm happy to take the honourable member's questions on notice. He rightly identified that the former government privatised the Lands Titles Office and, as we discovered, that there were secret deals and hidden provisions within the agreement that I have already placed on the public record.

I am not aware that there were any secret deals done by the former Labor government in relation to this particular issue, so I am not aware that it was tied up with another secret deal that the member for West Torrens and the former government did that might have impacted on this, but I will certainly have people urgently search out an answer to the honourable member's question. If it was an ongoing issue—that is, it pre-existed the former Labor government's privatisation of the Lands Titles Office—I will again take up the member's questions with the minister and his officers to find out why there has been this recent upsurge in activity.

The Hon. I.K. Hunter: Which minister?

The Hon. R.I. LUCAS: The Minister for Transport. The Hon. Mr Hunter is hard of hearing, I think. I am happy to take the member's questions on notice. As I said, I have no direct knowledge of the background to the particular issues. I will bring back an answer as expeditiously as I can.

GREECE, WILDFIRES

The Hon. I. PNEVMATIKOS (15:10): I seek leave to make a brief explanation before asking a question of the Hon. Jing Lee.

Leave granted.

The Hon. I. PNEVMATIKOS: The Premier made a commitment of support and funding at a public forum hosted by the Greek Orthodox Community of South Australia in July, which the minister assisting the Premier also attended. At the meeting, the Premier made a pledge for the state government to provide financial support for those impacted by the Mati wildfires. On 1 August, the Treasurer reiterated the commitment in the chamber.

I note that to date no further information has been made available regarding the level of support the government will provide, nor has any allocation been announced in the budget. My questions are:

1. Will the government keep their commitment to provide support?

2. What support will they provide?

3. When will they announce their support?

The Hon. J.S. LEE (15:12): I thank the honourable member for her question. I will take her question on notice and bring back an answer in consultation with the Premier.

GREECE, WILDFIRES

The Hon. I. PNEVMATIKOS (15:12): I have a supplementary question.

The PRESIDENT: The Hon. Ms Pnevmatikos, I am going to allow you a supplementary. Let me listen to it.

The Hon. I. PNEVMATIKOS: You are not going to allow me?

The PRESIDENT: I wish to listen to it before I allow it.

The Hon. I. PNEVMATIKOS: Thank you. I just wanted to clarify: has there been any discussion about financial support?

The PRESIDENT: I am going to allow that question.

The Hon. K.J. Maher: It's a good supplementary.

The PRESIDENT: I don't need commentary from you, Leader of the Opposition. The Hon. Ms Lee.

The Hon. J.S. LEE (15:12): Of course, there has been discussion with the leadership team and the cabinet about the support. As I said, I will seek advice from the Premier and bring back the answer.

SMOKING RATES

The Hon. T.J. STEPHENS (15:12): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding community health.

Leave granted.

The Hon. T.J. STEPHENS: As a long-term advocate for country issues, it is a concern to me that smoking in country areas is often higher than in metropolitan Adelaide. Can the minister update the council on smoking rates in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:13): I thank the honourable member for his question in what is a very important area of public health policy. The Australian public has become increasingly aware of the negative impact of smoking. On an individual level, in South Australia alone three people die every day from smoking-related diseases. This is in addition to the smoking-related diseases thousands of other South Australians live with on a daily basis and the emotional stress that is caused to families and loved ones.

In broader economic terms, my colleague the Treasurer recently handed down a state budget of around $18 billion. Each year, the cost of smoking to South Australian health care and in terms of lost productivity is estimated to be around $2.5 billion, or around 13 per cent of the state budget. The Marshall Liberal government is committed to working to reduce smoking and its associated harm in South Australia.

Each year, SAHMRI delivers a report on smoking control in South Australia, and they released their most recent report recently. The report reflects data for 2017 and shows there has been a disappointing increase in rates. Last year, daily smoking rates in South Australia for the general population over 15 years of age rose, from 12.9 per cent in 2016 to 14.3 per cent in 2017. The honourable member quite rightly highlights what has been a historical discrepancy in terms of country smoking rates and I can confirm that they have also risen from 17.2 per cent to 21.8 per cent.

In the context of country community health, the Marshall Liberal government has already taken action to deliver on its commitments to encourage healthier lifestyles through our Healthy Towns Challenge. The Healthy Towns Challenge delivers $1 million over four years to regional communities to develop and implement programs encouraging more holistic health. Importantly, among the suggested outcomes of the program is decreasing smoking rates. The Marshall Liberal government will continue to support such initiatives, as well as other mechanisms to reduce smoking rates as we work to support better health in the South Australian community.

GENE TECHNOLOGY

The Hon. M.C. PARNELL (15:15): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing questions about the government's support for the deregulation of new genetic modification techniques.

Leave granted.

The Hon. M.C. PARNELL: In question time on Tuesday 18 September, I asked the Minister for Health and Wellbeing about the Marshall Liberal government's position on draft changes to the gene technology regulations that would deregulate a number of new GM techniques. I put to the minister that in his capacity as a member of the Legislative and Governance Forum on Gene Technology he had been asked to approve these changes. In the minister's reply, he said:

> …I believe I am a member of the long-named forum he suggested and, in fact, I think I am attending a meeting of the forum next month. In terms of the detail of the honourable member's question, I am sure that I will be briefed on that issue leading into the forum.

Later that day, I wrote to the minister to inform him that the Legislative and Governance Forum on Gene Technology intended to make a decision on the proposed changes out of session and feedback from states had been due by last Friday 14 September.

Yesterday, the minister, in this chamber, provided an additional answer to my question, confirming that an out of session decision has actually been sought and that he had already responded in support of the draft regulations. The minister also provided me with a copy of his reply to the Legislative and Governance Forum on Gene Technology, which was dated 5 September. Notwithstanding the fact that he had already made a decision, two days later, on 7 September, he wrote to a key stakeholder group, saying:

> I appreciate you taking the time to contact me and outlining your concerns with the new genetic modification techniques. I will take your views into account when considering my response to the review of the National Gene Technology Scheme and the Technical Review of the Commonwealth Gene Technology Regulations.

My questions to the minister are:

1. Why did the minister tell stakeholders he would take their views into account when he had already made a decision? Will he now apologise to stakeholders for misleading them?

2. Will the minister now commit to revisiting his decision, which effectively endorses the unregulated environmental release of GMOs into South Australia and undermining the legislated moratorium?

3. Why has the minister been asleep at the wheel on this most important issue?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:18): I thank the honourable member for his question. In terms of the letter of 7 September, it does mention both the review and the regulations. I regret the fact that, in terms of timing, I may not have picked up the particular issue in relation to the regulations, but, as I indicated to the house earlier in the week, the gene technology forum is involved in both the review of the National Gene Technology Scheme and the Technical Review of the Commonwealth Gene Technology Regulations.

Because of the commonwealth parliamentary sitting program, it was intended that the forum itself would consider the regulations out of session, but the technical review will be an ongoing matter for consideration of the forum. As I advised the house earlier in the week, I am advised that the proposed changes to the commonwealth regulations will provide an interim solution to deal with current uncertainty for operators and ensure that the scheme continues to operate in accordance with its primary objectives.

PHARMACY HEALTH SERVICES

The Hon. T.T. NGO (15:20): I seek leave to make a brief explanation—

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. I.K. HUNTER: Mr President, I move:

The suspension of so much of standing orders that prevent the honourable member on his feet from asking his question and the honourable minister from answering it.

The PRESIDENT: He's got half the question out—

Members interjecting:

The Hon. I.K. Hunter: The time's up.

The PRESIDENT: Only a minister apparently.

The Hon. R.I. Lucas: I think he still thinks he's a minister.

The Hon. I.K. Hunter: Well, ministers are not attending to their duties, clearly. Someone's got to do it.

The PRESIDENT: Can we just stop the conversation? Can I ask, Treasurer, that you allow the Hon. Mr Ngo some time to finish his question.

The Hon. R.I. Lucas: Can I ask that you rule him out of order, firstly?

The PRESIDENT: You can ask, but the moment has passed.

The Hon. R.I. LUCAS (Treasurer) (15:20): Given that the honourable member doesn't realise he is no longer a minister, I move:

That so much of standing orders be suspended as to allow the Hon. Mr Ngo to ask his question, with a brief explanation, and sufficient time for whomsoever it is directed to give a brief answer.

Motion carried.

Question Time

PHARMACY HEALTH SERVICES

The Hon. T.T. NGO (15:21): I thank the Treasurer and the President. I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about pharmacists.

Leave granted.

The Hon. T.T. NGO: Some Australians do not visit their GP enough, especially men, who do not visit GPs for a variety of reasons including the increasing cost of visiting a GP and a lack of doctors availability. It was reported in the media recently that tens of thousands of Australians access free or low-cost pharmacy-run health checks and self check-ups for their health care needs.

If the results of the health check is concerning, pharmacists often then refer users to make an appointment with their local GP for closer examination. This provides a great way to encourage more people to access medical services and improve health outcomes. My question to the minister is: does the minister support these health check initiatives by South Australian pharmacists and nurses as the first step to encourage more people to visit their GP?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:22): I would like to thank the Hon. Tung Ngo for his question. In terms of the underlying spirit of it, which is that pharmacists are an important part of the network of health professionals operating in our community, I wholeheartedly and vigorously agree. The honourable member highlights the value of health checks and I think the range of health risk factors being identified by pharmacy-based health checks is very useful. As the honourable member says, it is a gateway to the GP; it is not an alternative, but it is a very accessible form of health care.

A related element, which I heard of recently, is point-of-care testing for pathology-type issues which can be delivered at the pharmacy level. If I can acknowledge the work of the former government, and I don't know whether the Hon. Tung Ngo was a ministerial adviser for the minister at the time, but minister Snelling was a supporter of pharmacy-based immunisation, which I think has been very successful, and, whilst I will continue to patronise your clinic, Mr President, I certainly see the benefit of pharmacy-based immunisation.

I think the range of opportunities to use pharmacists to support health care going forward will become more and more strong. One of the issues that SA Health is finding is in relation to post-discharge management of medication. There is no doubt that pharmacists can provide a very valuable service in helping facilitate the successful discharge of patients, and helping them to review their medication post discharge.

Often, prescriptions given in hospital need to be, shall we say, linked to pre-existing medications, and community-based pharmacists provide a very valuable service. In terms of the honourable member's question in relation to health checks, I completely agree that quality health checks by well-trained pharmacists will provide a valuable service within the network of South Australian health services.

Bills

INFRASTRUCTURE SA BILL

Committee Stage

In committee (resumed on motion).

Clause 17 passed.

New clause 17A.

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

Amendment No 6 [Scriven–1]—

Page 8, after line 14—After clause 17 insert:

17A—Chair to appear before Public Works Committee

The Chair must, at least once in each year and at such other times as is required, appear before the Public Works Committee established under the *Parliamentary Committees Act 1991* in relation to the performance of Infrastructure SA's functions.

This amendment seeks to improve accountability by requiring the chair of Infrastructure SA to appear before the Public Works Committee. Currently, DPTI does appear in front of the Public Works Committee. Given that DPTI obviously has considerable responsibility in terms of infrastructure, it is entirely reasonable that Infrastructure SA would also be able to appear and have that additional scrutiny.

The Hon. R.I. LUCAS: The government opposes this particular amendment. We believe there is sufficient potential parliamentary accountability through two clear mechanisms: one is the Statutory Authorities Review Committee, which is clearly the most appropriate body. It is the body established by this particular chamber—

The Hon. T.J. Stephens: A very good chairman.

The Hon. R.I. LUCAS: 'An excellent chairman', I am told by my friend the Hon. Mr Stephens. I am not sure who that chair is but I am told he is excellent. The Statutory Authorities Review Committee is there and, as the name indicates, it is there to review the operations of statutory authorities. So that is one mechanism. The second mechanism is, again, that very excellent committee that was established in the Legislative Council called the Budget and Finance Committee.

The Budget and Finance Committee, at its whim and motion, can request an appearance from—bless you! I put that on the parliamentary record: officer sneezes and Leader of the Government says 'bless you!' Mr Chairman, I have been deflected. I am talking about the excellent work of the Budget and Finance Committee of the Legislative Council. The Budget and Finance Committee, if it so deems appropriate, could ask for not just the chair of Infrastructure SA but the CEO to give evidence. Thirdly, there is nothing that prevents the Public Works Committee, so I am advised, in passing a motion, if it so wishes, to have the attendance of Infrastructure SA to give evidence.

Again, I hasten to say that Infrastructure SA is an advisory body; it advises governments. Ultimately its plans are going to be public. If the government disagrees, those disagreements will eventually have to be made public as well. Our view is that there are already sufficient mechanisms for parliamentary accountability of the work of Infrastructure SA, should that be required. The two bodies to which I referred earlier are actually controlled by the non-government majority in the Legislative Council; that is, the Statutory Authorities Review Committee and the Budget and Finance Committee are actually controlled by non-government majorities in the Legislative Council.

We think that is sufficient and we therefore do not believe that it is necessary or essential for this particular amendment to require at least once in each year, and at such other times as required, appearances before the Public Works Committee of the parliament.

The Hon. C.M. SCRIVEN: I have a question for the Treasurer regarding his remarks. If I understand him correctly, he is saying that the Public Works Committee could move a motion to have the chair address them. My question is: would the chair then be obliged to appear or could he or she decline that invitation?

The Hon. R.I. LUCAS: My advice is that the Public Works Committee has the power and authority to do so and, as with any parliamentary committee, if push comes to shove and if a parliamentary committee was supported by its house of parliament, it could require the attendance. A person could be dragged kicking and screaming before the bar of the House of Assembly or the Legislative Council, depending on which particular house it is. It generally does not get to that. Certainly not in my time have we dragged anyone kicking and screaming, but I think the last time was in the late 1960s when the Scientologists or those related to Scientology might have been dragged kicking and screaming before the Legislative Council.

Ultimately, the parliament does have the power to require the attendance of persons other than members of parliament in the other house so, in relation to this, that would be the case. I would be stunned if we arrived at that situation: if a parliamentary committee invited the attendance of a

public officer—a public officer in the context of being the chair of Infrastructure SA—and he or she declined to attend.

Equally, the same thing would occur in relation to the Budget and Finance Committee and the Statutory Authorities Review Committee. Ultimately, it is an invitation that is extended and I would be stunned if they would not comply with the invitation. However, if they did, if push comes to shove, a committee could recommend to the floor of the Legislative Council that this particular person be required to attend.

The Hon. M.C. PARNELL: I do not believe the chair of Infrastructure SA will be a stranger to parliament. I think that, as the Treasurer has said, there will be opportunities and I would be surprised if more than one committee did not invite he or she to come and address them. There is also a technical issue in putting into legislation a mandated time frame such as once a year. You could envisage a situation where an incredibly busy committee was working on other important issues and late in the year someone realised, 'Whoops, we were supposed to invite this person in and we don't really have much to ask them but we are obliged to by legislation.' I do not think that makes a whole lot of sense.

The Greens will not be supporting the amendment, but that does not mean we do not think that the three committees that have been mentioned should not take the opportunity, when it suits them, to call in the presiding member or chair of Infrastructure SA and, indeed, any other members of Infrastructure SA that they have a need to talk to. I do not think the failure of this amendment will really cause much harm to the accountability agenda that I know the opposition is pursuing here.

The Hon. F. PANGALLO: I support the comments made by the Treasurer in regard to Infrastructure SA being able to appear before a couple of committees, and will be opposing the amendment.

The Hon. J.A. DARLEY: I think this amendment is unnecessary and I will be opposing it.

New clause negatived.

Clause 18 passed.

Clause 19.

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

Amendment No 7 [Scriven–1]—

Page 8, after line 24—After subclause (1) insert:

(1a) The report must, in relation to the preceding financial year, set out—

(a) the number and general nature of infrastructure projects, submissions, strategies, plans and statements Infrastructure SA has reviewed and evaluated, provided advice on, or submitted; and

(b) the number of matters referred to Infrastructure SA by the Minister or, in the case of Part 3 Division 3, a referring authority and the identity of the referring authority for each matter; and

(c) the number of requests received by Infrastructure SA from a council or the Local Government Association under Part 3 Division 3 and the nature of those requests; and

(d) any other matters prescribed by the regulations.

I draw to the attention of members that parts of this amendment also link to amendments Nos 15 and 16 standing in my name; therefore, I will address my remarks on those amendments at the same time and following that be guided by you, Mr Chair, in terms of procedure. First of all, amendment No. 7 requires more detailed information to be provided in Infrastructure SA's annual report. Specifically, it requires that the report details 'the number and general nature of infrastructure projects, submissions' and so on that Infrastructure SA has looked at.

We are going to be investing a large amount of resources into this body; therefore, I think the people of South Australia want to know what sort of work Infrastructure SA is doing, how many projects or submissions it has received, and how many it has considered. This is so that there is

some level of understanding of the work and complexity that Infrastructure SA may be dealing with. This body's stated purpose is to prioritise infrastructure projects and analyse economic, social and environmental benefits to the state. Again, it seems that a body with such scope should be required to disclose the matters it has considered.

Some of the later amendments, which I will allude to in a moment, seek to ensure that there is opportunity for communities to ask Infrastructure SA to consider particular matters. The South Australian community would obviously want to know what has been considered and how busy (or otherwise) Infrastructure SA may be with its work.

I will now discuss amendments Nos 15 and 16, as part of amendment No. 7 refers to those amendments and would not flow if they do not pass. Amendment No. 15 enables a member of parliament, in addition to the minister, to be able to refer inquiries to Infrastructure SA. In the current draft of the bill, only the minister or Infrastructure SA, on its own initiative, may have particular matters investigated. As the elected representatives of our communities, the opposition and I believe members of parliament should have input into the work undertaken by Infrastructure SA.

When debating this bill, members in the other place have talked about the importance of regional infrastructure, and that this bill will apparently allow more priority to be given to regional matters. How can we be sure? As the only member of this chamber who lives more than 100 kilometres from the CBD, I am keen for regional members to have a real say in how infrastructure is allocated, rather than just relying on a hashtag—and may I say, hashtag #RegionsMatter.

One way we can enfranchise regional members is to allow us, as members of parliament, to refer projects from our communities to be considered by Infrastructure SA. The Liberals are of course in government—a whopping 38 per cent of the voting population voted for them. Based on that 38 per cent support, in this current bill, the Liberals are the only members who can have matters looked at, if they can convince their minister.

However, there are other representatives in this place who should also have the opportunity to put forward projects and know that they will be assessed and considered. By allowing members of parliament to refer to Infrastructure SA, the government would back up its rhetoric and ensure that a diversity of voices is heard. Amendment No. 15 will allow that to happen.

Amendment No. 16 has some similarities, but it enables local councils or the Local Government Association to refer inquiries to Infrastructure SA. The key difference between amendment No. 15 and amendment No. 16 is that amendment No. 15 states that such submissions 'must' be considered by Infrastructure SA whereas amendment No. 16 states that such submissions 'may' be considered by Infrastructure SA.

In practice that means councils would be able to refer matters to Infrastructure SA for consideration but some members have raised, in their feedback, that they do not want hundreds of submissions coming in every week, that it would clog up the work of Infrastructure SA. Instead, this amendment says they 'may' be considered. This seems to me and to the opposition to be a reasonable balance between ensuring that local government—which, after all, is a provider of a significant amount of infrastructure within the state—can have their views looked at but it will not clog things up because Infrastructure SA will still have some discretion in terms of what it considers in detail.

That is the rationale behind amendments Nos 15 and 16. However, the amendment we need to consider in the first instance, amendment No. 7, is in regard to the nature of the information that must be provided and the number of matters being part of that information. If those two amendments passed we would be able to see how many councils, for example, submitted projects for consideration, at least that they were on the agenda, and, similarly, how many members of parliament submitted projects for consideration as well.

Leaving those two amendments aside and coming back to substantive amendment No. 7, the report referred to in the original draft of the bill does not have a lot of detail on what must be provided. The main things the opposition is seeking to have covered are the number and general nature of infrastructure projects, submissions, strategies, plans and statements that Infrastructure SA has reviewed and evaluated, provided advice on or submitted.

So regardless of the success or otherwise of amendments Nos 15 and 16, the opposition puts forward that simply having, within the annual report, what submissions have been made, in terms of their general nature, and the number of them made would ensure that the public has confidence that Infrastructure SA is working hard and providing advice on things that are relevant to the state.

The Hon. R.I. LUCAS: As we had with a similar debate in terms of the productivity commission, this is a very significant issue for the Premier and the government in terms of the actual operation of Infrastructure SA. In his discussions with various members, I think the Premier has made known his very strong views on this issue. I will address my comments to the package of measures that are interrelated with regard to these particular amendments.

The principle behind the opposition's amendments is similar to the debate on the productivity commission; that is, it should not be just the government, that has been duly elected, that has reference to the productivity commission or Infrastructure SA. In this case the opposition is saying that any member of parliament would be able to refer any issue to Infrastructure SA and that local councils could also refer issues; the honourable member says the difference is, in one case, that Infrastructure SA 'has' to consider them and in the other case Infrastructure SA 'may' consider them.

The simple reality is that a local council could easily and conveniently go along to an opposition or crossbench member and say, 'Would you please submit our submission in addition to us submitting it, because yours will get the 'must' category as opposed to the 'may' category.' What well-meaning, hard-working member of the opposition or crossbench would not agree to a local council coming along and asking them to submit the particular request?

But, put the detail of that to the side: the reality is that the mechanism that the honourable member is putting together would, in essence, potentially grind the work of Infrastructure SA to a standstill. That is, every particular idea that might be a pet project for a particular member of parliament or a particular council would be hived off to Infrastructure SA for their consideration and work.

Again, the government's position is that Infrastructure SA is there to provide advice—not to make final decisions, but to provide advice—to the government of the day on major infrastructure projects. I won't repeat the Premier's arguments and position: it should be self-evident, given the strong views he holds on this issue in particular.

In relation to the nature of the annual report, the honourable member would be familiar with the annual report provisions that are in most statutes: they are very similar to this particular provision in Infrastructure SA's provisions. It makes clear that templates exist within the public sector in terms of the nature and structure of what ought to go into annual reports. This one says clearly that the body has to report on the work and operations of Infrastructure SA. There are also the results of their work, in terms of the five and 20-year plans, which will be on the public record as well.

So, the transparency and accountability that the honourable member wishes I believe is more than adequately catered for in relation to these particular provisions. Simply placing additional onus requirements in relation to the annual report just means that more time will be spent on having to prepare annual reports for, ultimately, no good purpose, in our view.

The critical decisions are going to be the recommendations that Infrastructure SA makes as an independent body, and, ultimately, more importantly, the decisions a government takes—whether it is a Liberal government or some future Labor government—in relation to the advice it receives from Infrastructure SA. For all those reasons the Premier in particular, but the government as well, strongly opposes this amendment here and some of the related amendments in later clauses.

The Hon. C.M. SCRIVEN: I thank the Treasurer for his comments. We will have to agree to disagree with regard to the annual report and that part of the amendment. However, I point out that the Treasurer's argument conflates amendments Nos 15 and 16. If his argument is so that councils would just ask their local MPs to submit their pet project, as he puts it, that may well be an argument against amendment No. 15, which says that members of parliament can refer to Infrastructure SA. However, it does not then follow that amendment No. 16 would not be appropriate. Amendment No. 16, I remind honourable members, says that local government should be able to make submissions to Infrastructure SA, and that Infrastructure SA 'may' consider them.

If, as the Treasurer fears, there is a risk of the work of Infrastructure SA grinding to a halt, then Infrastructure SA would simply be able to say, 'We are unable to investigate these matters from local council.' The difference would be that there would need to be simply some rationale for that. Following the Treasurer's arguments, I would hope that honourable members would support amendment No. 16 if they do not feel inclined to support amendment No. 15.

The Hon. M.C. PARNELL: I appreciate the way the Hon. Clare Scriven has systematically worked through this, because I know she has not done a lot of these bills but it is making a lot of sense. The order in which we are doing things is appropriate. Amendment No. 7 before us is about the annual report but, before we decide what goes in the annual report, we need to decide who, in fact, will be able to refer things to Infrastructure SA and how those should be dealt with.

Let's go to amendments Nos 15 and 16. As a member of parliament, amendment No. 15 is very attractive. The idea that there is a place where you can go with your projects and someone will cost them is an excellent idea. I know that my colleagues in the federal Senate have very much enjoyed having a Parliamentary Budget Office, where they can get policies, programs and things costed. I think it makes a lot of sense.

But, in the context of this particular body before us, and in the context of South Australia and its size compared to the commonwealth, and bearing in mind the fact that this is a bridge too far for the government—the Greens position is that we are happy to push but, ultimately, we would like to see some legislation, and I think this is a die in the ditch issue for the government—we are happy not to insist on members of parliament being able to refer. It is certainly a disagreement that I have had with the Premier. He points out that, historically, the government of the day, the executive, is responsible for making infrastructure decisions.

I would like to see that responsibility shared more with the parliament. I have an agenda for the relationship between the executive and the legislature changing over time. I am not getting too much traction at the moment, and I do not think I am going to get any in this bill but, ultimately, I would like to see a greater role for parliament in the planning of the future of our state rather than just leaving all these things up to the executive. At the end of the day, we are not going to push that, so the Greens will not be supporting amendment No. 15. We will not insist on members of parliament being able to directly refer things to Infrastructure SA.

As the Hon. Clare Scriven points out, the provision in relation to local government is different and less onerous. It is in the category where Infrastructure SA 'may' have regard to it. On the ground, my expectation is that if, for example, Infrastructure SA was looking at a major piece of transport infrastructure—a railway line, a freeway or something—it is inevitably going to impact on local councils. There is going to be a cross-street, bus stops that need to be relocated and a whole range of stuff. Any serious body that is looking at infrastructure that does not engage with local government would have to have rocks in its head.

I just do not see many of these projects even working without that level of consultation happening. Whilst, on face value, people might think that amendment No. 16 effectively gives local councils the right to put stuff to Infrastructure SA, my view is that they will probably do it anyway. It would make sense for them to do it. The Local Government Association, on behalf of all councils, might put stuff forward. Because it is in the 'may' rather than the 'must' category, I think it causes no harm, so the Greens are inclined to support a role for local councils being able to put things to Infrastructure SA.

As I pointed out earlier, there is a vast quantity of infrastructure that we rely on, both hard physical infrastructure, such as footpaths and local streets, and soft infrastructure or services, such as rubbish collection, the library or the drinking fountain. Local government is an integral part of this. I think that Infrastructure SA must work closely with local government. I think that amendment No. 16 causes no harm. It does not impose on Infrastructure SA anything other than what I would have expected they would do anyway, that is, talk to the councils.

The question then arises: if the position of the Greens is not to support amendment No. 15 but to support amendment No. 16, what does that mean for the annual report? Well, at the end of the day, it is an annual report. Amendment No. 7 puts in really prescriptive things to say that the annual report must provide this number and that number. I think that the Treasurer mentioned

before—maybe he did not, but I will put words in his mouth—that for most annual reports, such as those I read, that is what they do.

They say, 'We received 50 applications, we looked at them and we did this.' The annual report is basically a summary of what the agency has done over the previous 12 months. My expectation would be that Infrastructure SA would report its activities over the last 12 months. It might not be a verbatim transcript of every agenda and the minutes of every meeting that was held, but I would expect that they would put a fair bit of information in that annual report.

Put it this way, amendment No. 7 does have cross-references to things that I am not supporting, and if the rest of the council does not support it, there will be things in amendment No. 7 that make no sense. I do not think a great deal of harm is done in opposing amendment No. 7, trusting that Infrastructure SA will write a comprehensive report that will include the sort of information that we think they should. When we get to 15 and 16—I will be listening to the arguments of the government on 16, if there is any further argument to be had—as I say, the Greens are inclined to support local government being able to have a suggestion role, but we do not think we need to mess with the annual report provisions in clause 19 by accepting the opposition's amendment No. 7, so the Greens will be opposing this amendment.

The Hon. J.A. DARLEY: I indicate that I will be opposing amendments Nos. 7, 15 and 16.

The Hon. F. PANGALLO: SA-Best will be opposing amendment No. 7. You will get the information, as has been pointed out, from the report anyway, and, of course, the ISA would have to be called, or is most likely to be called, before at least two parliamentary committees, so you will be able to glean that information. We both oppose amendment No. 15—quite reluctantly, actually. I would love to have put my proposal for a bridge to Kangaroo Island to Infrastructure South Australia! But we will be opposing that, along with amendment No. 16.

The CHAIR: Does any other honourable member have a contribution?

Amendment negatived; clause passed.

Clause 20.

The CHAIR: There are four amendments to clause 20. The first is amendment No. 8 [Scriven–1]. The Hon. Ms Scriven.

The Hon. C.M. SCRIVEN: Before moving the amendment that stands in my name, I wish to ask a question of the Treasurer, which is both in relation to this clause and also in relation to an amendment filed by the honourable Treasurer. Am I at liberty to do that?

The CHAIR: Feel free to ask whatever question you wish.

The Hon. C.M. SCRIVEN: Looking at the honourable Treasurer's proposed amendment in regard to preparing the strategy, it is not clear at what stage the public should be notified of the development of a strategy. Is this at the very beginning, which gives members of the public the opportunity to put submissions in about what should be considered within that strategy, or is it later in the process?

The Hon. R.I. LUCAS: I will take advice on this, but I understand there has been some discussion in the lunch break to try to reach some sort of sensible compromise to get this legislation through this afternoon. There have been productive discussions with some members. The government's position as it has been outlined to me is that the government has an amendment there. We are proposing to add an additional element to that particular amendment and that is that it is trying to pick some of the essence of the amendment that has been moved by the Hon. Mr Parnell, and that is that Infrastructure SA would, in preparing its 20-year strategy, comply with principles of consultation published by Infrastructure SA for the purposes of this subsection.

As I understand it—and the Hon. Mr Parnell will be able to explain in much more lucid terms when he speaks to his amendment—the Hon. Mr Parnell has a proposed consultation platform process, which I think has been engaged in in one of the planning areas, evidently. I will bow to his knowledge in that particular area.

The government is opposing that particular process or strategy. What it is saying is that Infrastructure SA should establish its own principles of consultation, and it should publish those and make them publicly known. That is not a decision that we are going to prescribe by legislation, and we are not supporting the Hon. Mr Parnell's attempt to enshrine a process that fits the planning strategy or whatever the particular process—he will explain better than I can.

What we are saying is that Infrastructure SA will have to make a decision in relation to principles of consultation and make them public, but that will be a decision for it. When it does that, in whatever way it eventually does it, it will be public and it will have to be publicly accountable to it. I cannot answer the questions as to what that process will be, because what we are saying to them, in the interest of trying to reach some sort of compromise on this, is, 'You establish some sort of principles of consultation, you publish those and you will therefore need to follow those particular processes.'

Ultimately, they can and will be able to be held to account by appearances before various parliamentary committees. In relation to the adequacy or otherwise of its published consultation processes, I am sure the Hon. Mr Parnell will attend the Budget and Finance Committee or various other committees, so he might be able to ask them questions about whatever process they might have established and, indeed, once they have done that, whether they have actually adhered to the particular principles that are outlined in that particular consultation strategy. That is essentially the government's position. I will leave the Hon. Mr Parnell and the Hon. Ms Scriven to explain their particular processes, but that is the process the government is outlining.

The Hon. C.M. SCRIVEN: Am I to understand from the honourable Treasurer that Amendment No 1 [Lucas-1], standing in his name, is to be withdrawn?

The Hon. R.I. LUCAS: No, my advice is that we are going to continue with that and we are going to add to it with the wonderful additional element of subclause (4), which is Amendment No 1 [Treasurer-3].

The Hon. C.M. SCRIVEN: That brings me back to my original question, referring to Amendment No 1 [Lucas-1], which states:

> In preparing the Strategy, Infrastructure SA must—
>
> (a) consult the public by publishing a notice on its website informing the public of the preparation of the Strategy and inviting submissions…

My question is: at what stage is it envisaged by the government that that would occur? The point I am trying to get at is: has Infrastructure SA done a large body of work and is about to announce the strategy and submissions can go in and be considered within 21 days? Or is it that Infrastructure SA, on day one, says, 'We would like to hear submissions. We are going to be preparing a strategy. We haven't begun that work yet and therefore you are welcome to put in submissions now about what you might like us to consider'?

The Hon. R.I. LUCAS: I am advised that the intention would be for it to happen very early in the process, before they start to draft up the strategy.

The Hon. M.C. PARNELL: I probably do not need to add a whole lot of clarity, because I think it has been fairly clear so far, but I will give you my take on it. The new body we are creating, Infrastructure SA, has to prepare a 20-year strategy.

In clause 20 of the bill, it simply says, 'Prepare it, give it to the minister and it will be tabled in parliament.' There is nothing in there about how it is to be done, who they are to consult—none of that is in there. We then go to clause 21 of the bill, and it says that the state infrastructure strategy must:

> (d) consider relevant information provided by the public, private and not-for-profit sectors…

But it does not say how people will find out that a strategy is being written and, therefore, make a submission in order for it to be incorporated or not into the strategy. There has been a bit of a disconnect here with how this works, so a number of members have put forward some solutions. The two main questions before us are when people should be consulted and how people should be consulted. In relation to when, there are two things before us, which I think are not mutually

inconsistent; I think they can both survive. Certainly, the Hon. Clare Scriven has been asking questions about when Infrastructure SA will consult.

The minister's answer, as I understand it, is at the blank sheet of paper stage—in other words, very early on. Maybe there is an ad that goes up on the website, maybe they put it on social media—that would be good—which basically says, 'We are writing a 20-year infrastructure plan for South Australia. What do you reckon should be in it?' People will have their submissions and put them in. The question is: should that be the only opportunity that people get to have input?

The Hon. Clare Scriven's amendment, as I understand it, provides a second bite at the cherry; that is, when Infrastructure SA have drafted their 20-year plan, they then put that out and say to people, 'Right, we heard what you said the first time. We have synthesised it all down. Here is our draft plan. What do you think about that?' and people get another go at having input into it. I do not think that the Scriven amendment is inconsistent with the government amendment. The government amendment does not specify a time frame. It could be consultation at any stage through the process.

The minister, as I understand it, has suggested it will be early. The Hon. Clare Scriven mandates that it will be at a certain stage, namely once the draft has been prepared. I like both of those. I think they can both sit comfortably together. If there is any legal advice that I am wrong, we will hear that, but I reckon they both work. The next question is: how should that consultation occur? The amendment that I have put on file suggested one method of resolving the how, and that was for Infrastructure SA to have a look at what another arm of government, the Planning Commission, effectively has done; that is, they have prepared and now endorsed a community engagement charter.

So in my amendment, I cross-referenced it and said, 'When Infrastructure SA is consulting with the community, they should follow the community engagement charter.' I understand the government is uncomfortable with that approach for a number of reasons. One is that we are cross-referencing a document in a different field—that is, it is the planning field—a different department, and it will be a document that they do not control, so I understand that there is that issue.

When it comes to the fact that it is in a different field, I actually do not think it is, because when you think about consultation on planning policy, what we are doing is we are asking the citizens of South Australia, 'What do you want your future world to be like? What do you want your town, your suburb, your city to be like? What do you think we should have and not have? Where should shopping centres go? Where should houses be? Should the commercial district be here? How high should the buildings be? That is a very similar question that we ask when we are talking about infrastructure. So I think it did make sense, but I accept that the government does not want to incorporate this sort of foreign document, and so I will not be pushing it.

But I will just say for the record that the community engagement charter is very light on in terms of mandatory requirements. It does not set out very much at all in relation to what you must do but where it is of value—and I would urge Infrastructure SA to pull this off the shelf and have a look at it when they are drafting their own consultation rules—is there are five very simple principles that are set out: (1) engagement should be genuine; (2) engagement should be inclusive and respectful; (3) engagement should be fit for purpose; (4) engagement should be informed and transparent; and, (5) engagement processes should be reviewed and improved over time. That is not rocket science. It is not terribly mandatory but, basically, it sets out some really simple principles.

I will not move my amendment because I have explained well enough what it is. I think it was still well-founded, but I am happy to look at different ways of achieving the same thing. So that brings us to the government's recently filed amendment, which basically says that Infrastructure SA itself will prepare and comply with principles of consultation that it brings together itself. In other words, what the government is saying is they accept that there needs to be a framework for consultation. Rather than accepting an external one prepared by the Planning Commission, they are going to allow Infrastructure SA to prepare their own consultation framework, and I am happy to accept that.

The position that I will be taking is that I think we can support the government amendment for open-ended consultation. I support the Hon. Clare Scriven's amendment that whether it is a first or second bite at the cherry at the draft plan stage, I think that makes sense as well. I am happy to leave it to Infrastructure SA to determine for itself appropriate consultation rules and mechanisms

but I do urge them to have regard to the community engagement charter because a lot of people have spent a lot of time—in fact, years—working up these principles of consultation and it would be a shame for them not to apply across government to a range of agencies and just be confined to planning decisions or planning policy that is being prepared by the State Planning Commission.

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

Amendment No 8 [Scriven–1]—

Page 8, after line 31—Before subclause (1) insert:

(a1) Infrastructure SA must—

(a) prepare a draft 20-year State Infrastructure Strategy; and

(b) publish the draft Strategy on its website at the same time that the draft is provided to the Minister; and

(c) publicly consult and invite submissions on its draft 20-year State Infrastructure Strategy; and

(d) publish on its website a summary of the submissions received following consultation under paragraph (c).

I thank honourable members for their comments so far and thank the Treasurer for clarifying my questions. I note the Hon. Mark Parnell's very relevant comments that nowhere in the current Infrastructure SA Bill is consultation with the community or industry mentioned. That is the main thrust of the purpose of this amendment No. 8.

I have already alluded a number of times to the broad scope that Infrastructure SA will have in terms of the long-term impact on South Australian communities. I note that the honourable Treasurer has, on a number of occasions, said, 'This body will only be making recommendations, and it will be the cabinet that makes the final decisions.' Whilst accepting that on one level, I will point out that, in clause 22, the bill states:

The Minister must consider the 20-year State Infrastructure Strategy submitted by Infrastructure SA and adopt the Strategy, with or without amendments…

I am not pretending that that means that it will necessarily be totally unchanged from Infrastructure SA's recommendations, but do I draw members' attention to the fact that it must be accepted with or without amendment. I cannot imagine that throwing out 19 of 20 recommendations would be appropriate. Yes, Infrastructure SA is making recommendations: strictly speaking, they will not be binding but they will certainly be extremely influential.

To therefore say in this amendment that a draft strategy should be released to allow further comment and submissions to be made by members of the public or industry, again, seems to be in keeping with the government's own claims to be seeking more transparency and robust decision-making with a high level of public scrutiny and community input. Therefore, I suggest that this amendment can only improve that, and I commend it to members. I am disappointed that the Hon. Mark Parnell is withdrawing his amendment because, as he has rightly pointed out, it simply set out principles of consultation. It was not particularly prescriptive, with principles of consultation I would have thought that all in this place would readily agree to.

Instead, we are being asked to agree to some principles of consultation that will be developed by Infrastructure SA, but we have not seen them and we do not know very much about them. It seems a shame that the Parnell amendment has been withdrawn because it seemed to provide quite a good framework. However, be that as it may, I also agree with the Hon. Mark Parnell that this amendment is not inconsistent with the government's amendment, and that therefore both could be passed and both would therefore improve the level of interaction with the community and the ability for the community to have input into decisions, going forward, about infrastructure in our state.

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

Amendment No 1 [Treasurer–1]—

Page 8, after line 32—After subclause (1) insert:

(1a) In preparing the Strategy, Infrastructure SA must—

(a) consult the public by publishing a notice on its website informing the public of the preparation of the Strategy and inviting submissions on the Strategy within a period (which must be at least 21 days) stated in the notice; and

(b) publish on its website a summary of the submissions received.

Amendment No 1 [Treasurer–3]—

Page 8, after line 37—After subclause (3) insert:

(4) Infrastructure SA must, in preparing the 20-year State Infrastructure Strategy or a revised Strategy, comply with the principles of consultation published by Infrastructure SA for the purposes of this subsection.

In doing that, I outline the government's position. The government's position is that it is opposing the amendment from the Hon. Ms Scriven. It is obviously supporting our first amendment, which I have moved. As I indicated earlier, as a result of discussions with the Hon. Mr Parnell, he has indicated that he is not proceeding with his particular amendment. Amendment No. 1 [Treasurer–3], which has just been placed on file this afternoon, was the compromise amendment, which I have spoken to before and I have now formally moved.

The government believes that the package of amendments it has now moved is a compromise position and it is the one that we would ask members of the committee to support; that is, the first amendment that was on file earlier and the addition, which is amendment No. 1 [Lucas-3], which I placed on file this afternoon and which I have now moved. So the government's position is to support the package of amendments that we have and, as I said, the latter part of that was as a result of consultation with the Hon. Mr Parnell.

Unlike as I understand the Hon. Mr Parnell's position might be, to support the Hon. Ms Scriven's amendments, the government's position is to oppose the Hon. Ms Scriven's amendments and to support now the package of amendments it has put on file and I have now formally moved.

The Hon. F. PANGALLO: We will be opposing amendment No. 8 of the Hon. Clare Scriven. Briefly just going over it, they are recommended projects. From what I gather there is oversight over projects $10 million or more but certainly their projects are going to be $50 million and in excess and these are major projects. I would say that it is a recommendation and then it is up to the government to decide whether they are going to go ahead with these projects. I am sure that if they give the green light to it then there are other government departments and agencies they will then have to consult. I do not think the consultation process will be overlooked at all. We will be opposing amendment No. 8 [Scriven-1] but we will be supporting the Treasurer's amendments.

The Hon. J.A. DARLEY: I indicate that I will be opposing amendment No. 8 [Scriven-1] and supporting both of the Treasurer's amendments.

The Hon. C.M. SCRIVEN: I just want to make a comment in relation to the Hon. Mr Pangallo's contribution, that this amendment is about consultation beyond government departments, to enable consultation with community and industry who may or may not have been included in consultations through government agencies. I just wanted to make that point.

I can flag, given that like many members in this chamber I know how to count, that whilst obviously I will be voting in favour of the opposition amendments, if that fails—as appears likely—we will be supporting the amendment from the government.

The Hon. C.M. Scriven's amendment negatived.

The CHAIR: The Treasurer has moved amendment No. 1 [Lucas-1] and amendment No. 1 [Lucas-3]. I intend to put the question that they be agreed to collectively unless any honourable member wishes to speak to them individually. In the absence of any indication from any honourable member, I am putting the question that amendment No. 1 [Lucas-1] and amendment No. 1 [Lucas-3] be agreed to.

The Hon. R.I. Lucas's amendments carried; clause as amended passed.

Clause 21 passed.

Clause 22.

The Hon. C.M. SCRIVEN: First of all, I have a question for the Treasurer in regard to clause 22(1), which states the strategy must be adopted 'with or without amendments,' or it may be referred back to Infrastructure SA 'for further consideration.' My question is: under what circumstances does he envisage it would be referred back, and is there any limit as to how often that process could occur?

The Hon. R.I. LUCAS: Mr Chairman, I can really only give you my interpretation of the clause as it is drafted; that is, there would be no restriction in relation to 'with or without amendments', which makes it quite clear that ultimately the government makes the final decision. In relation to referring it back for further consideration, the lawyers in the chamber can advise me to the contrary if that is the case, but there is no restriction in terms of on what basis or on how many occasions it would be referred back for consideration.

It is obviously not yet an issue the government has considered or approached, but looking at that, I would imagine the circumstances would be, for example, if the government decided they wanted further information or consideration on a particular project in order to decide whether they would agree to the strategy with or without amendment. It would seem an entirely appropriate provision that if the final decision is with the government, there may well be something on which the government requires further information. At that point, it would refer it back for further consideration.

Ultimately, Infrastructure SA has the capacity to say, 'Yes, we can give you more information,' or, 'No, we can't; our recommendation stays the same but we can give you further detail as to why we have made that particular decision.' It then rests with the cabinet as to whether or not it is adopted with or without amendment.

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

Amendment No 9 [Scriven–1]—

Page 9, after line 26—After subclause (1) insert:

(1a) The Minister may only refer a 20-year State Infrastructure Strategy back to Infrastructure SA for further consideration under subsection (1) once.

The reason for the amendment is to ensure that if the strategy developed by Infrastructure SA is not in keeping with the political preferences of the government of the day, it cannot simply be a delaying tactic to make it go back and forth to avoid triggering the requirement to publish it. Again, the rhetoric has been very much about Infrastructure SA being independent, and to have the key role in taking the politics out of decision-making.

It would seem inappropriate for the minister to repeatedly send it back for changes, and it would suggest a lack of independent and a level of political interference were that to happen. The minister still has the ability to make an amendment, so it is not as though this amendment would take that away, but it does ensure that those changes would be transparent.

The Hon. R.I. LUCAS: I fundamentally disagree with the honourable member in relation to this. It would actually prevent what might be a healthy iterative process. Ultimately, if there is a disagreement, the government of the day can just say to Infrastructure SA, 'Look, we don't agree with your particular position.' I can assure you that if the government disagrees with a proposal from Infrastructure SA, it would be prepared to publicly acknowledge that and indicate that it was not prepared to support this particular infrastructure proposal, for whatever reason.

It would be the same for a future Labor government. I am sure they would be prepared, on occasion, to take a different view. It seems sensible that if the government of the day seeks further information and, when it comes back, that information just raises further questions, why you would legislatively prevent that sort of a process from being able to continue and then have a final position, and then the government can agree or disagree. In the end, the government is the final decisionmaker. It can agree or disagree to any aspect of the plan.

As I said, 'with or without amendments' is not limited. The government of the day could disagree with everything. It is unlikely, but the government of the day could disagree with anything; there is no restriction on what the government of the day could do.

If a Liberal government, after 16 years in government, had developed a 20-year infrastructure plan which was approved through Infrastructure SA, and a Labor government was elected in 16 years' time, for example, the Labor government may well throw out the whole lot if it wanted when it got an opportunity to do so. It just might disagree with it. Ultimately it will be a decision for governments, with or without amendment, in terms of 20-year infrastructure strategies.

The decision rests ultimately with the government of the day. The government of the day has to find the money, has to raise the money over whatever period of time it might be, to fund these infrastructure projects. I can assure the honourable member that there are always more than enough proposals for infrastructure to more than cap out the capacity of any budget—whether from a Labor or Liberal government—to be able to fund, and so difficult investment decisions have to be made. In the end Liberal or Labor governments will have to make difficult decisions to say that they are prepared to fund this project as opposed to that project in terms of the direction they head.

This government has made the difficult decision, in the absence of Infrastructure SA, to say that we would prefer to fund the South Road project rather than every suburb having a tram if it wants one, the infrastructure priority of the former government. They are difficult decisions: every suburb having a tram if it wants is a popular decision for particular suburbs that might be getting a tram, but this government was prepared to argue that case. If that had been a recommendation of Infrastructure SA my guess would be that the government would have adopted exactly the same strategy as well.

However, let us get out of the hypotheticals. In terms of this particular issue we believe it is good governance practice to allow a government of the day, whether Liberal or Labor, to have a process where it says, 'We need further information.' Just because they come back with information, if it still does not answer the question, when you talk about a 20-year infrastructure strategy why should the government not be able to go back to Infrastructure SA and say, 'We need further information on this particular project'?

The Hon. C.M. SCRIVEN: I think the Treasurer is not being as frank as he might wish the chamber to think. The amendment does not say that the government cannot go back and ask for information; surely asking for information is what the government will be doing in its interactions with Infrastructure SA at all times. Clearly it would be ridiculous to try to insert something that prevented the government from asking for more information.

The amendment, and indeed the original drafted bill, refers to 'for further consideration'. That suggests a rewriting of the strategy rather than seeking information, and that is where the opposition sees a risk in terms of the potential for it to go back and forth, first, to cover up something that might be unpalatable to the government's political desires of the day and, secondly, to ensure that there is no direct political interference in the same way so that the government can say, 'Oh no, this was Infrastructure SA strategy,' despite the fact that they may have gone back and forth 25 times until Infrastructure SA was able to arrive at something closer to what the government's political imperatives dictated.

I believe it is misleading to suggest that this amendment could possibly prevent the government from seeking further information. I therefore commend the amendment to the chamber.

The Hon. M.C. PARNELL: One advantage that members of the Labor Party have over the Greens is that they have been in government fairly recently and they know the tricks, they know what goes on sometimes in government—and I do not include the Hon. Clare Scriven, who was not in the last government, in this. However, I have no doubt that issues of political interference or bullying or delaying tactics go on.

In terms of writing into legislation that the minister gets only one chance to go back and ask Infrastructure SA to reconsider something is, I think, unduly restrictive. Yes, I can imagine a situation where there is an unpopular element to the government and they keep trying to get Infrastructure SA to change its mind but, as the Treasurer said, at the end of the day the government is either going to accept it or not.

I guess we have to keep this in perspective as well. Just because something ends up on the list does not mean it is going to get built, and things will not necessarily be built in the order in which

they are on the list either. Considerations will include how much money there is, whether their priority also coincides with the federal government of the day's funding priorities.

There are a whole lot of reasons why the plan, despite our best intentions, will not actually reflect what happens. At a purely simple legislative level, the idea of writing into legislation that an interrelationship between two bodies—a minister and Infrastructure SA—must involve just one substantive communication and that is all, I do not think is the right way to draft legislation, so we will oppose this clause and another similar one that also refers to the minister just getting one go at getting back to Infrastructure SA. We will oppose that as well.

The Hon. F. PANGALLO: We will oppose the Hon. Ms Scriven's amendment No. 9.

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

Amendment negatived.

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

Amendment No 10 [Scriven–1]—

Page 9, line 29 [clause 22(2)(b)]—Delete 'available.' and substitute:

available within 14 days of its adoption by ensuring that it is published on Infrastructure SA's website; and

(c) make publicly available any amendments that the Minister made to the 20-year State Infrastructure Strategy in accordance with subsection (1) at the same time that the Minister makes the adopted Strategy publicly available under paragraph (b).

This amendment requires the minister to publicly release the adopted strategy within 14 days. I believe that part of the amendment is being accepted by the government. I am pleased that we have been able to make some improvement to this bill, assuming that the government amendment passes.

The purpose of the amendment is to provide greater transparency by requiring the minister to publicly release any ministerial amendments to the strategy—that is the second part of the amendment. Transparency and accountability for an independent body again reflects back to the previous conversation, but I think this has a slightly different emphasis in that we are trying to avoid anyone using tricks, tactics or anything else, to which the Hon. Mr Parnell alluded, to enable a cover, a shield, behind Infrastructure SA, and a strategy released under its name being a way of avoiding taking responsibility for decisions by the government.

I think this is a reasonably innocuous amendment, given that all it is saying is that, if amendments are made by the minister, those amendments should be published so that we get to see what was the strategy and recommendations of Infrastructure SA, and if amendments are made to the final strategy, they are also publicly available. It is hard to understand how such a thing could be unpalatable to any government seeking transparency and accountability, and why that would be in any way problematic.

I am pleased, as I mentioned, that the government is accepting the first part of the opposition amendment, but I am disappointed that it is not accepting that amendments similarly should be made public. I encourage members to vote for amendment 10 standing in my name to enable that to happen.

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

Amendment No 2 [Treasurer–1]—

Page 9, line 29 [clause 22(2)(b)]—After 'publicly available' insert:

within 14 days of its adoption by ensuring that it is published on Infrastructure SA's website

I urge members of the committee to support the alternative amendment. The government has taken on board part of the argument from the Hon. Ms Scriven. It can agree with the first aspect of her amendment and, in this wonderful spirit of compromise the Premier has displayed in relation to his discussions on this bill, we are prepared to move this alternative amendment, which essentially just picks up the first part of the Hon. Ms Scriven's amendment.

The government's position in relation to the second part is to strongly oppose. The government is opposed to the requirement to make amendments public. The government believes it would remove the discretion of the Infrastructure SA board to choose if, when and how to make its disagreements public. The intention is to allow the independent body to provide frank and fearless advice. If compelled to make dissenting opinions known, there is a concern the board would be less inclined to provide that frank and fearless advice.

We believe that there is a benefit in the balance of an iterative approach and a discretion to make disagreements known, considered to be the best mechanism for the provision of frank advice. So the government's position is to oppose the Hon. Ms Scriven's amendment and to move its alternative amendment, noting that our alternative amendment is essentially the first part of the Hon. Ms Scriven's amendment.

The Hon. F. PANGALLO: We will be supporting the Treasurer's amendment No. 2. We will be opposing the Hon. Ms Scriven's amendment No. 10.

The Hon. J.A. DARLEY: I will be opposing amendment No. 10 [Scriven-1] and supporting the government's amendment.

The Hon. M.C. PARNELL: I will be taking the same position as my fellow crossbenchers. I note that Infrastructure SA does, in the existing bill, have the ability to make its dissent known. The main difference with the Hon. Clare Scriven's amendment is that it would become mandatory to make that disagreement known. Disagreements come in a whole range of shapes, sizes and colours. Some are minor and not that important, and others are serious.

If, for example, the government was to disregard a serious part of Infrastructure SA's advice and insert its own pet project as the number one priority, my guess would be that Infrastructure SA would say, 'The hovercraft facility on Lake Torrens is attractive to the government, but it never formed part of any of our considerations, and we do not support it.' I can see that happening and, if it does happen, it will show that frank and fearless advice is alive and well. I acknowledge that the minister has accepted publication within 14 days, which is part of the Hon. Clare Scriven's amendment. The Greens will not be supporting the Labor amendment, but we will support the government's alternative.

The Hon. C.M. SCRIVEN: Just to respond to the comments of the Hon. Mark Parnell, in that scenario, the problem is that we have now given total carte blanche to the minister to determine the make-up of the board. That means that, potentially, they may be less inclined to come out and say that the hovercraft was not their idea.

The Hon. C.M. Scriven's amendment negatived; the Hon. R.I. Lucas' amendment carried.

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

Amendment No 11 [Scriven–1]—

Page 9, lines 31 and 32 [clause 22(3)]—

Delete 'may advise the Minister that it does not agree with the amendment and make that advice available to the public' and substitute:

must advise the Minister that it does not agree with the amendment and make that advice available to the public by publishing its advice on its website at the same time that the adopted Strategy is published

This amendment is very small. The bill as drafted says that Infrastructure SA may inform the minister if it disagrees with any ministerial amendments to the state infrastructure strategy. It is hard to imagine a scenario where it could be reasonable that if Infrastructure SA, the body that is supposed to provide independent advice, disagrees with an amendment, it should not, by any means, be obligated to provide it. It seems a very strange way to draft it. My amendment ensures that the scrutiny that the government has said it wants over infrastructure decisions is possible and that Infrastructure SA will be required to inform the minister if they disagree with an amendment that he or she has made.

The Hon. R.I. LUCAS: The government opposes the Hon. Ms Scriven's amendment No. 11 for the same reasons we opposed amendment No. 10. We see these as essentially similar issues.

For the same reasons, which I have already placed on the record, we are opposing amendment No. 11 from the member.

The Hon. M.C. PARNELL: We will not be supporting amendment No. 11 for the reasons that we gave for amendment No. 10.

The Hon. J.A. DARLEY: I will not be supporting amendment No. 11.

The Hon. F. PANGALLO: We will not be supporting amendment No. 11.

Amendment negatived; clause as amended passed.

Clauses 23 and 24 passed.

Clause 25.

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

Amendment No 12 [Scriven–1]—

Page 10, after line 20—After subclause (1) insert:

(1a) The Minister may only refer a Statement of Capital Intentions back to Infrastructure SA for further consideration under subsection (1) once.

Whilst I move this amendment for the same reasons as I set out earlier on a similar amendment in regard to the strategy, I accept that the chances are it is going to have the same result, so I will not take up the chamber's time on putting the same very valid arguments that have already been ignored by this chamber.

The Hon. R.I. LUCAS: It is indeed the same principle. The government opposes this particular amendment.

The Hon. M.C. PARNELL: The Greens' position is the same. Very similar amendments are being moved in relation to the statement of capital intentions as they were for the 20-year plan, and our position on both documents is the same.

The Hon. F. PANGALLO: We will be opposing amendment No. 12 [Scriven–1].

Amendment negatived.

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

Amendment No 13 [Scriven–1]—

Page 10, line 23 [clause 25(2)(b)]—Delete paragraph (b) and substitute:

(b) must make the adopted Statement publicly available within 14 days of its adoption by ensuring that it is published on Infrastructure SA's website; and

(c) must make publicly available any amendments that the Minister made to the Statement of Capital Intentions in accordance with subsection (1) at the same time that the Minister makes the adopted Statement publicly available under paragraph (b).

I note that the honourable Treasurer has an amendment also, which I believe is an alternative amendment at this section. Firstly, I thank the government for accepting some of the amendment as moved by the opposition and incorporating it into their alternative amendment. This is to publicly release the statement of capital intentions within 14 days. That is the proposal that has been accepted by the government in the alternative amendment. Whilst I would still endorse the remainder of the amendment because it would provide greater transparency, again I can read the mood of the chamber.

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

Amendment No 3 [Treasurer–1]—

Page 10, line 23 [clause 25(2)(b)]—Delete paragraph (b) and substitute:

(b) must make the adopted Statement publicly available within 14 days of its adoption by ensuring that it is published on Infrastructure SA's website.

We have had this debate before, so I will not labour the committee with further explanation. The government accepts the first part of the honourable member's amendment No. 13 and we oppose the second, so we would ask the committee to oppose the honourable member's amendment and support the alternative amendment, which I have now moved.

The Hon. M.C. PARNELL: I take this opportunity to ask the Treasurer a question in relation to this, because just looking at the notes that I have taken in the various briefings that I have had on this bill, my understanding was that there was some concern that release of the statement of capital expenditure ahead of the state budget was apparently an issue. The government has now put an amendment forward saying that it is going to be publicly available within 14 days. Does that mean that the government will be holding off on publishing the statement of capital intentions until after the budget has been released each year?

As I understood it, the issue was that effectively they would be flagging spending priorities in this statement ahead of the state budget. We know governments like to selectively leak their budget announcements and projects rather than have the whole suite of them published perhaps several months before the budget is actually issued. I may have misunderstood the government's concerns, but if the Treasurer could answer: would it be the government's intention to delay the release of this document until after the annual state budget has been presented?

The Hon. R.I. LUCAS: My advice is that is, indeed, correct. The operative words are 'within 14 days of its adoption'. Clearly, the sensible process would be to make the budget decisions and then adopt the statement post the budget. The member has obviously understood the position very well.

The Hon. F. PANGALLO: We will be opposing amendment No. 13 [Scriven-1] and supporting the Treasurer's amendment.

The Hon. J.A. DARLEY: I will be opposing the opposition's amendment and supporting the government's position.

The Hon. C.M. SCRIVEN: In the event of the opposition amendment failing, we will, of course, be supporting the government amendment, as it picks up the first point of our amendment.

The ACTING CHAIR (Hon. D.G.E. Hood): Are there any other contributions? If not, I put the question that paragraph (b), as proposed to be struck out by the Hon. C.M. Scriven and by the Treasurer, stand as part of the bill.

Question resolved in the negative; the Hon. C.M. Scriven's amendment negatived; the Hon. R.I. Lucas's amendment carried.

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

Amendment No 14 [Scriven–1]—

Page 10, lines 25 and 26 [clause 25(3)]—

Delete 'may advise the Minister that it does not agree with the amendment and make that advice available to the public' and substitute:

must advise the Minister that it does not agree with the amendment and make that advice available to the public by publishing its advice on its website at the same time that the adopted Statement is published

These arguments have already been canvassed in relation to a previous amendment that was very similar, so I will leave my comments at that.

The Hon. R.I. LUCAS: I oppose the amendment, for the reason given before.

The Hon. F. PANGALLO: I am opposing.

The Hon. J.A. DARLEY: I am opposing amendment No. 14 [Scriven-1].

Amendment negatived; clause as amended passed.

The Hon. C.M. SCRIVEN: A point of clarification: there was an amendment that inserted a new clause 25A.

The ACTING CHAIR (Hon. D.G.E. Hood): We are doing that now. That is the next amendment and that is amendment No. 15 [Scriven-1] which seeks to insert clause 25A, so I call the Hon. Ms Scriven.

New clause 25A.

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

Amendment No 15 [Scriven–1]—

Page 10, after line 28—Before clause 26 insert:

25A—Interpretation

In this Division—

referring authority, in relation to a matter referred to Infrastructure SA under this Division, means either of the following:

(a) the Minister;

(b) a member of Parliament.

When we discussed amendment No. 7, we canvassed the reasoning for this amendment. Unless there are any questions, I will leave my comments at: this enables input by members of parliament so they can refer matters to Infrastructure SA, and we have already covered the reasons for that.

The Hon. R.I. LUCAS: We had this debate earlier. The government opposes the amendment. As I said, we had the debate in relation to this on an earlier amendment which was related.

The Hon. M.C. PARNELL: We oppose the amendment for the reasons we gave previously.

The Hon. F. PANGALLO: We are opposing.

The Hon. J.A. DARLEY: I will be opposing both of those amendments.

New clause negatived.

Clause 26.

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

Amendment No 16 [Scriven–1]—

Page 10, line 32 [clause 26(1)(a)]—After 'own initiative' insert:

or on the request of a council constituted under the *Local Government Act 1999* or the Local Government Association of South Australia (the *LGA*);

I will just refresh members' memories that this is to enable local councils or the LGA to refer inquiries to Infrastructure SA, which may be considered by Infrastructure SA. So emphasising that this does not have the capacity to clog up the workings of Infrastructure SA, because they can decline to consider it, but it means that the local councils will have the ability to have ideas put forward to Infrastructure SA. Therefore, I would commend the motion and ask members here to do the same.

The Hon. R.I. LUCAS: We had this debate earlier where I think the majority of the council indicated opposition to both amendments Nos 15 and 16 as part of an earlier debate. The government's position remains the same for the same reasons. We oppose it.

The Hon. M.C. PARNELL: I said at the time that this was one that the Greens were supporting, and I want to expand on that a little bit even though I do not believe the numbers are there for it to pass. It makes sense to me that if the Local Government Association, for example, was looking at a statewide footpath strategy and they wanted to work with Infrastructure SA to achieve that, then all that the Hon. Clare Scriven's amendment does is it enables them to put that idea forward, and it enables Infrastructure SA to prepare a strategy, a statement or a plan separate from the 20-year plan in relation to that. In other words, it is basically providing a service to our local councils that they might not have the capacity to do themselves.

It actually makes eminent sense. It does not oblige Infrastructure SA to do anything. If Infrastructure SA says, 'We don't have the resources and we can't possibly be looking at a statewide footpath strategy, it's not on our agenda,' then they will say that to local councils and they will have to go away and do it themselves. But it just strikes me that this amendment causes no harm whatsoever. It simply puts in the act that it acknowledges local councils are key when it comes to provision of infrastructure and enables them to work with Infrastructure SA outside the 20-year plan, because the clause is, it is other strategies and other statements and other plans.

So it is not giving them a formal role in the preparation of the 20-year infrastructure plan, or the statement of capital intentions. It is basically saying, or inviting, Infrastructure SA to work with local councils on other documents that might help get good infrastructure decisions for South Australia. I am surprised the government is opposing this because it really is quite innocuous, and it absolutely makes sense to me. If it does not have the numbers, it doesn't, but the Greens would have been happy to have seen this included in the bill.

The ACTING CHAIR (Hon. D.G.E. Hood): Any other contributions?

The Hon. F. PANGALLO: We will be opposing it.

The Hon. J.A. DARLEY: Mr Acting Chairman, I previously opposed this amendment.

The committee divided on the amendment:

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

AYES

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

NOES

Bonaros, C.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I. (teller)	Pangallo, F.	Stephens, T.J.
Wade, S.G.		

PAIRS

Ridgway, D.W.	Pnevmatikos, I.

Amendment thus negatived.

The ACTING CHAIR (Hon. D.G.E. Hood): We are still on clause 26. The next amendment is amendment No. 17 [Scriven–1]. I call the Hon. Ms Scriven.

The Hon. C.M. SCRIVEN: I withdraw the amendment as it was consequential on the passing of amendment No. 15.

The ACTING CHAIR (Hon. D.G.E. Hood): There is a further amendment for clause 26, which is amendment No. 1 [Scriven–2].

The Hon. C.M. SCRIVEN: I similarly withdraw this amendment as it was contingent on a previous amendment that was lost.

The ACTING CHAIR (Hon. D.G.E. Hood): There is one further amendment for clause 26, and that is amendment No. 18 [Scriven–1].

The Hon. C.M. SCRIVEN: I withdraw this amendment as it was consequential on a previous amendment which was lost.

The ACTING CHAIR (Hon. D.G.E. Hood): Thank you, Hon. Ms Scriven. There are no other amendments to 26 and it was not amended.

Clause passed.

Clause 27.

The ACTING CHAIR (Hon. D.G.E. Hood): The next amendment is to clause 27, amendment No. 19 [Scriven-1].

The Hon. C.M. SCRIVEN: This is similar to a previous amendment where we sought additional ability to prevent any sort of game playing by government in terms of covering up political interference with the recommendations of Infrastructure SA. Given that it did not pass in its previous iterations, I will withdraw the amendment.

The ACTING CHAIR (Hon. D.G.E. Hood): The amendment having been withdrawn we will move to the next amendment, amendment No. 20 [Scriven-1] to clause 27.

The Hon. C.M. SCRIVEN: May I check with the clerks in terms of amendments Nos 10 and 13? Were they both lost?

The ACTING CHAIR (Hon. D.G.E. Hood): Both 10 and 13 were lost.

The Hon. C.M. SCRIVEN: I therefore withdraw amendment No. 20.

The ACTING CHAIR (Hon. D.G.E. Hood): In that case we will turn to amendment No. 21 [Scriven-1].

The Hon. C.M. SCRIVEN: I withdraw the amendment because similar amendments to increased transparency and accountability were lost.

The ACTING CHAIR (Hon. D.G.E. Hood): There are no other amendments to clause 27.

Clause passed.

Clause 28.

The ACTING CHAIR (Hon. D.G.E. Hood): The next amendment is to clause 28, amendment No. 22 [Scriven-1].

The Hon. C.M. SCRIVEN: A similar amendment was lost previously, so I will withdraw the amendment.

Clause passed.

Clause 29.

The ACTING CHAIR (Hon. D.G.E. Hood): The next amendment is to clause 29, amendment No. 23 [Scriven-1].

The Hon. C.M. SCRIVEN: Before I move that amendment, I have some questions for the Treasurer. This clause within the bill compels information from private companies. Could the Treasurer firstly outline his reasons for requiring this information?

The Hon. R.I. LUCAS: One reason that has been provided to me by the government advisers is, for example, circumstances where there was a monopoly provider of a port in South Australia, and Infrastructure SA was looking at the alternative provision of port facilities in South Australia. The example that was given to me was that Infrastructure SA might believe that it was required, in terms of future planning for port facilities, if there was a monopoly provision of port facilities at the moment, to acquire information of that particular monopoly provider of port facilities in relation to their future planning for port facilities.

If, for example, there was the likelihood of either further competition in relation to port facilities or an expansion of port facilities, that would be entirely relevant to Infrastructure SA in terms of advice to government about either potentially the public provision of port facilities or some sort of

public-private partnership with an alternative provider in relation to port facilities. There are a number of examples, not just port facilities, perhaps some transport infrastructure. There is a variety of other potential examples, I guess, where there might be monopoly or very limited competition in relation to some areas and in terms of infrastructure. Infrastructure SA may well require information in relation to what would be sensible advice to a government in terms of the alternative provision of something that might be monopoly-controlled at the moment.

The Hon. C.M. SCRIVEN: Does Infrastructure Australia have similar powers?

The Hon. R.I. LUCAS: My advice is: we do not believe so.

The Hon. M.C. PARNELL: I will perhaps tag team with the Hon. Clare Scriven because I have a number of questions on this clause as well. The minister gave an example that sounds quite reasonable in terms of a monopoly provider—

The Hon. R.I. Lucas: I thought you would be attracted to that; that's why I used it.

The Hon. M.C. PARNELL: —but that is not what the section says. Let us be clear: the opposition amendment is to delete the whole of section 29—to delete the information-gathering power. What makes this clause difficult is that I can accept that valuable information is held outside of government and would assist Infrastructure SA in doing its job. However, this clause is not constrained to monopoly providers.

Infrastructure SA could go to every manufacturer of pavers in South Australia and ask for information about their cost structures, how much it costs them to make a brick, and all that sort of stuff, and they could say it is important because of this statewide footpath strategy they are developing, or this road paving that they are doing. It strikes me that there is no limit to who Infrastructure SA can approach for information. On face value, these powers exceed those of the police. It says that Infrastructure SA may, by notice, 'require a person to provide information'. 'A person' means any person.

I would have thought that these powers go far beyond what the police have. It might not be such a big deal except for the $20,000 penalty for noncompliance. I know you can take an approach and say, 'Of course Infrastructure SA is not going to be asking every Tom, Dick and Harry in South Australia for information that is of no great relevance,' but it seems to me that the only check and balance on this is that the information has to be 'reasonably required for the purposes of assisting Infrastructure SA'.

The only time that 'reasonably required' would come into play is if someone was either threatened with or actually prosecuted for not providing the information. Your defence would be, 'Infrastructure SA was unreasonable in requiring me to provide that information.' It seems to me that these are very extensive powers. In terms of trying to get a question out of this: is there any capacity to limit the operation of section 29? I would suggest removing the words 'a person' and replacing them with, 'a person to whom this section applies', and then maybe setting out some of the circumstances in which it is appropriate for these coercive powers to apply.

The minister gave one good example: the monopoly port operator. I think that makes sense. You will need to perhaps heavy-hand them into providing information; they might not want to do it voluntarily. I am a bit torn; I am conscious that it is late in the day and the bill needs to pass. We are still happy to hear the rest of the debate, but my inclination was to support the Labor Party's position in removing this clause. I will be—

The Hon. R.I. Lucas: Before you do that, let me give you some more information.

The Hon. M.C. PARNELL: I am open to new information. My question is: am I correct that this is a broad power that applies to any person at risk of criminal sanction, with the only defence being that you would have to argue Infrastructure SA was unreasonable, and the only opportunity you would have to raise that argument would be in court on a prosecution?

The Hon. R.I. LUCAS: Let me assist before the honourable member has moved the amendment. I will stand corrected on this—the honourable member will remember his contributions to the debate—but I am told that very similar powers, and in some cases exactly the same powers, were supported by the Labor government and possibly the honourable member in relation to the

Industry Advocate Act 2017 and the Small Business Commissioner Act 2011. On both occasions the honourable member would have been in this chamber. I cannot remember whether he was here for the Essential Services Commission Act in 2002—

The Hon. M.C. Parnell interjecting:

The Hon. R.I. LUCAS: No. What I am saying is that I am told similar provisions in relation to the power to acquire information were brought down by the former Labor government in a number of acts. I argue that in terms of what Infrastructure SA has to do it has a greater need for it than, for example, the Small Business Commissioner or the Industry Advocate, which are essentially advocacy roles trying to resolve disputes, or whatever. The former Labor government, the Labor Party, which is now the champion of removing this particular provision, not only supported but introduced those provisions at that time.

As I said, I cannot put words in the Hon. Mr Parnell's mouth but I do not recall him opposing the provisions in the Industry Advocate Act or the Small Business Commissioner Act. I stand to be corrected if the honourable member remembers differently, but I do not remember there being a debate in relation to those provisions.

The honourable member is a lawyer and I am not, but a person is a person. He knows the answer to that particular question; it was rhetorical in nature and he is better placed to answer it. However, it is certainly not envisaged that every Tom, Dick and Harry in South Australia will be asked to provide this or that information by Infrastructure SA. On major issues it is likely to be a significant company or business in a particular area from which they seek information. If similar powers have been given to a small business commissioner and an industry advocate, why would you not give similar powers to Infrastructure SA?

The Hon. C.M. SCRIVEN: I will oppose this clause. Deleting this clause would remove a section of the bill that would give Infrastructure SA powers to compulsorily acquire information from private companies. I am not convinced that the powers the Treasurer alluded to are identical in those other bodies. I pose the question: if Infrastructure Australia does not need these coercive powers why then does Infrastructure South Australia?

Companies should be able to operate in South Australia without fearing that the government is going to step into their boardrooms to find out exactly how they fund or what their borrowing costs are, what their allocations for capital are for their head office and so on, and try to calculate exactly what they should be charging for an infrastructure project. The opposition's view is that the only time such an imposition would be fair is if a company were operating a monopoly asset, and the Treasurer has confirmed that is what the government is thinking.

According to the Premier the powers are modelled on the Essential Services Commission Act, and he said they would be used sparingly, if at all. That raises the question: why do we need them? Infrastructure Australia does not need them, and apparently they will be used only sparingly. The reason ESCOSA had these powers was because it regulated monopolies.

The Treasurer very cleverly used the example of a port in his explanation of the reason for this but I suggest there is another possibility, and that is perhaps toll roads. We have grave concerns about providing Infrastructure SA with the extraordinary powers to compulsorily acquire confidential information. One industry expert actually communicated with the opposition, saying that the bill in this section reads more like legislation for establishing the ICAC than for establishing an infrastructure body.

Further, there is also an administrative burden that would come with such powers. That burden would be on private companies being forced to provide this information. Again, that does not appear to have any good reason. I remind honourable members that criminal sanctions are part of this, that this is a power that Infrastructure Australia does not have and apparently does not need. It is a power that has criminal sanctions for not providing information, and it seems to be set up to enable something such as a toll road, something the opposition is very much opposed to.

I think the base argument most relevant here is that Infrastructure Australia does not have these powers, so why then would Infrastructure South Australia need them? I urge members to support removing these coercive powers from the bill.

The ACTING CHAIR (Hon. D.G.E. Hood): Before we have another response, I point out for the Hon. Ms Scriven, to further confuse you, that when your amendment seeks to knock out the clause, that is, to oppose the clause, there is actually no need to move it, because you are not amending the clause as such, you are simply opposing the clause. That is a point of clarity. Does the Treasurer wish to respond?

The Hon. R.I. Lucas: No.

The Hon. J.A. DARLEY: I will be opposing amendment No. 23.

The Hon. F. PANGALLO: We will be opposing amendment No. 23. I could use another example: apart from ports, railways is another one that you may want significant information about and it may not be forthcoming. I oppose the Hon. Ms Scriven and agree with the Treasurer.

The Hon. M.C. PARNELL: I have been consulting with my colleague, as we cast our minds back seven years to the Small Business Commissioner Act. I have checked section 12 of that act, entitled 'Power to require information', and it is pretty much word for word the same.

The Hon. R.I. Lucas: You doubted my advice.

The Hon. T.A. Franks: I thought it was for the Industry Advocate as well.

The Hon. M.C. PARNELL: As my colleague rudely interjects, we passed the same provision for the Industry Advocate. We will see what other members have to say, but—

The Hon. R.I. Lucas: They are supporting us.

The Hon. M.C. PARNELL: Okay, it is a dead rubber. We had concerns about section 29; we have asked some questions about it, but we are happy for it now to remain in the bill.

The ACTING CHAIR (Hon. D.G.E. Hood): I intend to put it this way: that clause 29 stand as printed. If you wish to support the government you will vote yes and if you wish to support the opposition you will vote no. I put the question that clause 29 stand as printed.

Clause passed.

Clause 30.

The Hon. C.M. SCRIVEN: Given that there is still the power to compel information, when we think that the obligation to preserve confidentiality is important, I therefore will not move my amendment No. 24.

The Hon. M.C. PARNELL: For completeness, I note that the obligation to preserve confidentiality does not just apply to information that has been obtained involuntarily, it applies to all information that has been obtained, because the words are that 'it is information gained under this part'. It does not say 'information gained under clause 29', it's any information, so I think it is important that that clause remain in the bill.

Clause passed.

Clause 31.

The Hon. C.M. SCRIVEN: Similar to the previous comment, we withdraw this amendment to preserve the confidentialities required.

Clause passed.

New clause 31A.

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

Amendment No 26 [Scriven–1]—

Page 12, after line 26—Before clause 32 insert:

31A—General requirements in preparing a strategy, statement or plan

In preparing a strategy, statement or plan under this Act, Infrastructure SA—

(a) must use a method of cost benefit analysis that it has approved and published on its website; and

(b) must not promote or recommend the adoption of a road toll or any other proposal that involves a fee on road users in relation to the use of a road.

This amendment has two purposes: first, it directs that Infrastructure SA must use a method of cost-benefit analysis that it has approved and published on its website. This is to ensure that any plans that include a cost benefit analysis can be compared; and, secondly, it ensures that Infrastructure SA cannot promote or recommend the adoption of road tolls or road fees.

Given the desire by the government, which has now passed, to be able to compulsorily acquire information from private companies, such as is usually only used when dealing with a monopoly—and that has been confirmed by the government today—the opposition wants to make sure that road tolls are not part of the government's plans. Labor is strongly opposed to road tolls and will fight any attempts to introduce them, so this amendment would ensure that road tolls do not become part of our system in South Australia.

I would hope that honourable members would support both parts of this amendment because, if they not supportive of that second one we can only assume—and the public can assume—that they are supportive of toll roads.

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

Amendment No 1 [Treasurer–2]—

Page 12, after line 26—Before clause 32 insert:

31A—General requirements in preparing a strategy, statement or plan

In preparing a strategy, statement or plan under this Act, Infrastructure SA must use a method of cost benefit analysis that it has approved and published on its website.

This alternative amendment is in the spirit of compromise to try to resolve this issue this afternoon. It essentially agrees with the first part of the honourable member's amendment, but the second part of the honourable member's amendment is just a nonsense. The honourable member has just said that this would prevent road tolls, but it does no such thing. The government of the day, Liberal or Labor, can introduce road tolls whether or not Infrastructure SA recommends it.

The Hon. J.E. Hanson: We are trying to rule it out.

The Hon. R.I. LUCAS: You cannot rule it out. All you are saying here is that Infrastructure SA cannot make a recommendation. Nothing stops a future Labor government—which promises now, straight after the election, not to have a road toll—from having a road toll, exactly as a past Labor government promised never to privatise and, straight after the election, privatised the LTO, the Motor Accident Commission, the forests and SA Lotteries. A party like the Labor Party can promise one thing before an election and do exactly the opposite afterwards.

I do not know how often I have to say it, but I keep saying that, ultimately, it is for the government of the day to make decisions in relation to infrastructure, but it is also for the government of the day to make decisions in relation to how we pay for infrastructure. There is serious agreement between this government and the current opposition, I would imagine from what I have just heard, about not supporting road tolls. That is the current government's policy and, evidently, it is the current Labor opposition's policy as well.

Your particular amendment has nothing to do with banning road tolls. All it is saying is that, in the recommendations that Infrastructure SA might make, it is not allowed to refer to road tolls. There are a dozen other ways for private sector involvement in public infrastructure, for example, public-private partnerships such as the former Labor government involved themselves in regarding the privatisation of the hospital asset. We do not own it. That was under a Labor government.

This is a cute game that the Labor Party are trying to play at this stage. They are now trying to take on the coat of 'we are anti road tolls, we are anti privatisation' and all those sorts of terrible things, having just spent 16 years engaging in exactly the same sorts of activities left, right and centre across every portfolio area that one can imagine. Let me not get diverted into those areas. In relation

to road tolls, the current government's policy is to oppose. We took that to the election. We will keep the promises that we make.

The Labor opposition now says that they are opposed to road tolls, but this has got nothing to do with Infrastructure SA. This is just a diversion or a red herring. As I said, the government's position is to support the first part of the honourable member's amendment. We have moved that by way of an alternative amendment. We urge members to oppose the Labor Party amendment and to support the alternative amendment from the government.

The Hon. C.M. SCRIVEN: The Treasurer is slightly correct in what he is saying, in that this does not—

The Hon. R.I. Lucas: Slightly correct?

The Hon. C.M. SCRIVEN: Only slightly correct—remove the possibility of road tolls. What it does is remove the possibility—or might I say the probability—of the government hiding behind recommendations from Infrastructure SA to say, 'Oh, no, we went to the election saying that we didn't want road tolls, but Infrastructure SA has recommended it. We will take the advice of Infrastructure SA.' I will read again the amendment, which says that Infrastructure SA 'must not promote or recommend the adoption of a road toll'.

If, as the honourable Treasurer says, current policy of the Liberal government is to oppose road tolls, then this is no problem whatsoever. Why would it be a problem to have enshrined in this legislation that Infrastructure SA could not make that recommendation? It will rule out very strongly that road tolls will be part of Infrastructure SA's consideration, and that means that the government of the day, Liberal or Labor, could not then hide behind Infrastructure SA's recommendations to implement something that they did not want to take to an election because it was unpalatable.

That is the purpose of it: to remove that sort of cover and ensure that any government who might introduce road tolls in the future takes responsibility for their decision. I do acknowledge that the Treasurer has accepted the first part of the amendment, and I am glad that again the opposition has had the opportunity to improve the bill in that respect, but I would urge all members—

The Hon. R.I. Lucas: We are a very reasonable government. We are just interested in getting this bill through.

The Hon. C.M. SCRIVEN: I wish what you said was the case. I wish you were reasonable. I would urge the members of this council, unless you do support road tolls, to support this amendment in its entirety.

The ACTING CHAIR (Hon. D.G.E. Hood): For the sake of clarity, the Hon. Mr Parnell, before I give you the call, there are two amendments before the committee: one from the government and one from the opposition. We will call for a vote on both of them, but the Hon. Mr Parnell to speak to either.

The Hon. M.C. PARNELL: Thank you, Mr Acting Chair. I do not accept the Hon. Clare Scriven's question that the only way to oppose toll roads is to support this amendment. Lest any mischief be done here, the Greens do not support toll roads. We have not supported them in this state and we have not supported them in any state. We are an anti toll road party.

Having said that, there is a problem, I think, in starting to list in this legislation the types of projects that we do not like. I have my list; I expect my colleague would have a list as well. On my list is: 'No new coal-fired power stations. Infrastructure SA must not under any circumstances ever recommend a coal-fired power station again for this state.' That would be on my list.

The Hon. R.I. Lucas: What about a nuclear waste dump?

The Hon. M.C. PARNELL: I am glad the Treasurer mentions nuclear waste dumps, because we do have a separate law, he might recall, that actually does prevent public money being spent, or in fact such a piece of infrastructure being built. Underground coal gasification would be on my banned list as well, and greyhound racing tracks. These are all infrastructure. The point I am making is that, whilst I totally agree with the Hon. Clare Scriven in her opposition to toll roads, I do not believe that that opposition must translate into support for this amendment, because I think we are getting

ourselves into a bit of trouble if we start listing in the act types of infrastructure that Infrastructure SA is not allowed to effectively consider or recommend.

If they do consider and recommend something, like a toll road, then be it on the government's head if they accept that recommendation. I will be on the barricades, with the Hon. Clare Scriven, opposing the toll road. I do not think that we need paragraph (b) of the honourable member's amendment, but I do acknowledge that the government has effectively taken the first limb of this amendment.

I think it really is important that the cost-benefit analysis that is used is something that is a transparent process, because every one of us has seen a project where someone will come out and say, 'Yes, we reckon this is 10:1. We are only spending $1 million and we are getting a $10 million benefit.' We know that very often that is complete bollocks. It is absolute rubbish. It is very rare for people who make these claims to put their methodology forward.

I am very pleased that the government has agreed that the methodology will be published. It will enable people to critique the methodology because, as we know, if you have the methodology wrong then the answer that is spat out at the end will be wrong as well. That will be part of the debate: the critique of the methodology and whether the cost-benefit analysis stacks up, and does it stack up sufficiently that project A should take precedence over project B?

I think this is a very sensible amendment. I thank the Hon. Clare Scriven for bringing forward that first half. We will not be supporting it as her amendment, but we will be supporting the identical words—pretty much—in the government's amendment. We are supporting the principle, but I think it makes sense for the government's amendment to get up. It is effectively the same, but it does remove that reference to toll roads.

The Hon. J.A. DARLEY: I indicate that I will be opposing amendment No. 26 [Scriven–1] and supporting the government's amendment.

The Hon. F. PANGALLO: We will be supporting the government's amendment on that. I just think that, yes, sure, there are policies now about road tolls and opposing them, but I think we really should not kid ourselves, because I think eventually they will come.

The Hon. M.C. Parnell: Only your bridge.

The Hon. F. PANGALLO: There you go. Thank you, the Hon. Mark Parnell. I could not build my bridge without a toll, but at least it would bring the price down instead of having to pay for an expensive ferry ride.

The Hon. R.I. Lucas: Who pays the ferryman?

The Hon. F. PANGALLO: Well, that is it: those poor unfortunate tourists who have no other choice. As I was saying, I agree with the Hon. Mark Parnell, but I am just saying let's not kid ourselves, because eventually it will come to this state. In fact, I noticed and I read out in my speech yesterday that Infrastructure Australia is looking at incentive-based reforms and they are saying that eventually the user paying is a way of generating more income. I will support the government's amendment to that.

The Hon. C.M. Scriven's amendment negatived; the Hon. R.I. Lucas's amendment passed; new clause inserted.

Clause 32.

The ACTING CHAIR (Hon. D.G.E. Hood): The next amendment is amendment No 27 [Scriven-1].

The Hon. C.M. SCRIVEN: I withdraw this amendment, as the previous amendments to which it was most relevant—amendments Nos 23 to 25—have not passed this chamber.

Clause passed.

Clause 33 passed.

The CHAIR: We now have amendment No. 2 [Parnell-1], a new schedule.

The Hon. M.C. PARNELL: I will not be moving my amendments Nos 2 or 3, which are consequential to the issue we canvassed before about appropriate public consultation. That has been resolved by a government amendment, so I will not be moving the remainder of my set of amendments.

The CHAIR: We now have amendment No. 28 [Scriven-1], a new schedule.

The Hon. C.M. SCRIVEN: Since the chamber did not agree to disclosure of interests for members of the board, I withdraw this amendment.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILDREN AND YOUNG PEOPLE (SAFETY) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 September 2018.)

The Hon. C. BONAROS (17:35): I rise to speak on the Children and Young People (Safety) (Miscellaneous) Amendment Bill 2018. The bill purports to make technical and transitional amendments that will ensure a smooth transition from the Children's Protection Act 1993 to the Children and Young People (Safety) Act 2017 from 22 October this year. It seeks to do the following. It corrects a reference to section 18 of the Marriage Act. It provides for a regulation-making power to describe the circumstances in which a reunification assessment is not required under section 54 of the act, and it clarifies that the information disclosure provisions at section 142 of the act also apply to information gathered under the Children's Protection Act.

It clarifies that where a child is removed pursuant to section 41 of the Children and Young People (Safety) Act, and cannot be returned home or into the care of another person, the child will remain in the chief executive's custody until the end of the fifth business day following the day on which the child was removed. It amends section 92 to enable the status quo to be maintained for long-term guardians who are currently responsible for determining contact arrangements for children in their care. It amends section 95 to broaden the scope of people who may apply to the Contact Arrangements Review Panel.

It amends section 161 to allow the chief executive to refer money received on behalf of children and young people to the Public Trustee to administer until the child or young person attains 18 years of age. It amends schedule 1 of the act to allow for the staged repeal of the Children's Protection Act 1993. It provides transitional arrangements for custody and guardianship orders made pursuant to section 38 of the Children's Protection Act, and it provides transitional arrangements concerning the management of children's money.

SA-Best accepts that many of these amendments are necessary to enable the proper operation of the Children and Young People (Safety) Act 2017 when it fully commences on 22 October 2018. We are also cognisant of the time frames and deadline of 22 October where phase 2 of the act comes into effect. We will not prevent the passage of the bill but we cannot agree to clause 6 of the bill. To reiterate, clause 6 provides for a regulation-making power to describe the circumstances in which a reunification assessment is not required under section 50 of the Children and Young People (Safety) Act.

Labor has filed an amendment which seeks to enshrine in legislation the proposed regulation which provides the exemption to section 50(4). We understand that Labor will not be progressing with this amendment following advice received from stakeholders. That is because, unlike the advice we originally received, clause 6 is not merely a technical amendment and goes against the intent of

the bill, which is merely to make technical and transitional amendments only. We have reached out to both SACOSS and the Law Society who have kindly provided us with copies of their advice in relation to this bill and, in particular clause 6. I quote from the Law Society's correspondence as follows:

> There has been no information provided to the Society that supports the proposed amendment to section 50(4) of the act at this time. In particular, the Society is unaware of any empirical data which suggests that the requirements of section 50(4) are unworkable, or that in a significant number of cases the Department of Child Protection are unable to make an assessment as to the likelihood of reunification.

I appreciate the intent of the opposition and the shadow minister in particular when drafting this amendment. In fact, had it not been for the drafting of the amendment, we would probably be none the wiser regarding the potential ramifications associated with this particular provision. Where appropriate, SA-Best will always give preference to substantive changes being incorporated into an act, rather than regulations. That is evidenced by a bill that I introduced in this place a couple of weeks ago, amending the same piece of legislation that we are dealing with today.

Given this and given the breadth of clause 6, as currently drafted, which differs vastly to the advice we received from the government at our briefing, I again indicate, just for the record, that we will not support that particular clause. I have relayed our position to the government and the opposition in the hope that we can continue to work on this between sitting weeks, if that is what the government wishes to do. It is not unreasonable for us to pass the rest of the bill today, especially given the 22 October deadline, and for the government to go back to the drawing board to ensure we get any changes to reunification provisions 100 per cent right.

I will add that we also welcome the undertakings given in the chamber by the Minister for Human Services earlier this week, confirmed by minister Sanderson, that there will be a complete review of the act, commencing in October 2019. There are many other salient points that were raised by the Hon. Tammy Franks earlier this week in relation to the bill before us and the Children and Young People (Safety) Act 2017 at the time the bill was debated, particularly in relation to early intervention. I agree with many of the points made by the honourable member and defer to her on those matters, given her history in this place when the debate first occurred.

Obviously, I was not in this place at the time, but I understand the bill, in its original form, was the subject of much heated debate. The fact that we are here considering further changes—and I have intentionally spelt out those changes during this contribution—highlights all too well that we cannot fall into the habit of rushing legislation through this place, especially when it comes to issues involving child protection. With those words, I look forward to any further comments by the Hon. Tammy Franks on this matter as well, and I indicate SA-Best's support for the bill—save and except for clause 6.

The Hon. K.J. MAHER (Leader of the Opposition) (17:42): I rise today to speak on this bill and indicate that I am the lead speaker on behalf of the opposition. The opposition will be supporting this bill, with the exception of clause 6, which, from the indications in the amendments filed by the Minister for Human Services, will be opposed by the government. The majority of this bill aims to correct minor errors and misalignments to provide for the smooth transition for the Children and Young People (Safety) Act 2017 and the Children's Protection Act.

Labor supports these minor rats and mice changes; however, clause 6 was a fundamental change with significant ramifications regarding the requirement for the chief executive to undertake a reunification assessment prior to seeking an order from the court. Labor is not seeking to stand in the way of ensuring necessary updates to the act prior to the implementation of its second phase, which is due to commence on 22 October 2018. However, we believe that the proposed government change to clause 6 was not well thought out and that no consultation had been done within the sector in relation to this fundamental change. I note that, before the government saw the light and decided not to proceed with that clause, there were amendments moved by the Labor opposition in relation to clause 6. I indicate that, obviously, Labor will not be moving those amendments.

I thank the Minister for Child Protection's department and ministerial staff for doing their best to provide briefings on the bill, particularly for the Labor shadow minister for child protection, the member for Badcoe. I note that the chief executive of the Department for Child Protection is required to undertake a reunification assessment prior to seeking an order from the Youth Court, or when a

child or young person has been removed. This government's bill would have provided an exemption to this requirement where a child is removed pursuant to section 41 of the act. The condition to such an exemption would have been detailed in yet-to-be announced regulations.

The Labor shadow minister had been informed that the intent of the regulations would have been to allow the Youth Court an exemption from providing the family with a reunification report in emergency removal situations, but only where the department may not have current or sufficient information about a child or their family and circumstances to complete a reunification assessment.

The department said this exemption was required as it was not possible to prepare such a report within five days where the department had little or no contact with the family or child prior to the emergency removal of the child. However, Labor understands and is sympathetic towards the reasons behind it. It is not reflected in the clause or any associated proposed regulation. Clause 6 that would have been moved, we submitted, and its associated regulation would allow for a much broader application than I have just outlined.

We understand that it would have allowed almost all removals to be carried out under section 41, meaning that exemption could be applied to almost all removals, not just the so-called emergency or urgent situations. This exemption would have represented a very significant departure from recommendation 70(c) of the Nyland royal commission that states that the department should assess the realistic possibility of reunification at the time of the commencement of care and protection proceedings.

I note that there was much consultation that the opposition undertook with peak bodies and interested groups in relation to this and that overwhelmingly there was not support for clause 6 in the bill. We commend the bill to the house, noting that clause 6 will not be part of the bill.

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:46): I thank honourable members for speaking to this amendment bill, notably the Hon. Tammy Franks, the Hon. Connie Bonaros and the Hon. Kyam Maher, on this important issue of child protection. The amendment bill is not seeking to make substantive policy changes to the act at this time. The amendments are about enabling the operational intent of the act as passed by parliament last year to be realised and to enable a smooth transition to the act at its scheduled commencement in October.

We recognise the feedback and concerns that have been raised by members. In response, I can advise, as honourable members have foreshadowed in their speeches and clearly are aware from the amendment that has been circulated, that it is the government's intention to delete clause 6 from the bill, regarding the circumstances in which a reunification assessment would not be required to be undertaken. This step has been taken in the interests of passing this legislation, not delaying the scheduled commencement of the act and the important reforms that it will bring to child protection.

In particular, two specific matters were raised by the Hon. Tammy Franks: firstly, regarding consultation on the amendment bill; no external consultation was undertaken or feedback sought to develop the amendment bill with the exception of confirming that the Public Trustee was supportive of the proposed change in clause 14. The amendment bill addresses technical and transitional issues to support the operational intent of the Children and Young People (Safety) Act 2017. The issues were identified by the department and by the Crown Solicitor's Office as they have been preparing for implementation of the new act on 22 October 2018.

Early intervention: in the early intervention space there is a range of mechanisms that have been introduced in response to the recommendations of the Nyland royal commission. These include establishing the Commissioner for Children and Young People and the Child Development Council. Both these entities are currently involved in the development of a charter for children and a child development outcomes framework. The government is currently in the process of appointing a commissioner for Aboriginal children and young people.

In relation to the best interests of the child, including the best interests of the child as part of the paramount consideration, was strongly supported by the Minister for Child Protection at the time when the Children and Young People (Safety) Act 2017 was being debated in parliament. The bill was nearly defeated by the Liberal Party, then in opposition, seeking to have the best interests of a child included; however, the parliament of the day supported the paramount consideration being a child or young person's safety.

The concept of safety as the paramount consideration was introduced into the legislative framework in April 2016 following recommendations of the Coroner about the circumstances of the death of Chloe Valentine. The department has been using safety as the paramount consideration since then. Departmental practice, guidance and training for staff about the new Children and Young People (Safety) Act 2017, which is being delivered currently, is all underpinned by safety being the paramount consideration.

With a few weeks to go before the commencement of the act, the government recognises that it would be unreasonably disruptive to the department to change the primary consideration now. In line with the minister's commitment to review the operation of the act in 12 months' time, it is appropriate that this matter form part of that review. I again thank honourable members for their support of the passage of this bill, noting that the review will be taken in 12 months' time, and commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: I thank the government for their response to some of the questions I raised in the second reading speech, and I remind them of their promise, made in written form to SACOSS, during the state election. I draw their attention to page 9 of the letter sent to SACOSS prior to the state election, namely:

> Children and Families
>
> For too long Labor have failed our children and their families by focusing on the acute cases where a child must be removed often after years of chronic neglect leading to a lifetime of complex behavioural issues.
>
> A Liberal government will focus on prevention and early intervention to stem the ever increasing flow of children coming into care. We will approach this with a whole of community and a whole of government response.
>
> We will change the legislation to require acting in 'the best interests of the child' as opposed to 'safety' which is the very low base set by this Labor government. We will also bring children removed from their families back to the guardianship of the Minister and not the CEO. We believe governments should be ultimately responsible not their staff, as envisaged by the Westminster system of government.
>
> Legislative reform to ensure early intervention into children's best interests and addressing gaps in Young People and Safety Act
>
> Early intervention for vulnerable children should be a priority of any Government.
>
> In 2017, we saw the passing of the Children's Protection (Safety) Bill, which failed to implement all of Margaret Nyland's recommendations, nor dealt with any early intervention strategy or needs.
>
> Subsequently, the Government introduced a piece of legislation designed to placate stakeholders and those concerned about early intervention and prevention. This Bill was holistic in nature and provided no real strategy for change, with stakeholders not being properly consulted either.
>
> The Liberal Party understands a strong early intervention strategy is needed in this space, and realise to draft this legislation appropriate consultation must occur with stakeholders and those on the front line of child protection.
>
> The Weatherill Government's failure to adopt successful early intervention strategies has seen the number of vulnerable children taken into commercial care skyrocket, and this must not continue.

My questions to the government at this point, at clause 1, are:

1. Where is the legislation?

2. When will the consultation commence on it?

3. Where is this 'early intervention' piece of legislation, as well as the commitment to further progress, not just in the review and in terms of the Westminster system of government and the responsibility of the minister, but of course the progress of the 'best interests of the child' debate?

For the benefit of the government, that letter to SACOSS was dated 8 March 2018 and forms part of the promises made by the Liberal opposition (now Marshall government), which they have vowed to keep.

The Hon. J.M.A. LENSINK: There are several issues the honourable member has raised, and I may need a few goes in responding. I am sure the honourable member will advise me if I do not provide a fulsome and adequate response.

This particular piece of legislation is not the one anticipated to broadly review the policy, and policy failings generally that need to be addressed, and the problems that were identified—largely, I think, by the department itself—in relation to the legislation passed last year. It is a bit of a fix-up, if you like, and is not intended to be a broad policy review.

In relation to early intervention, it is fair to say there is a range of activities going on. There is an Early Intervention Research Directorate that has been located in the Department of the Premier and Cabinet which has had oversight of a range of programs and which has been conducting reviews with a view to advising government about the best policy framework going forward. There is also a task force across government broadly, because we recognise that child protection is not just the responsibility of the child protection department; for instance, the Office for Women and the role of domestic violence is critical, and a range of policy approaches from Health and Education are also quite critical. That task force is providing advice to cabinet that specifically relates to early intervention.

I am not sure if that adequately answers the honourable member's questions. Clearly there is a review in relation to the matter of the best interests of the child versus safety, and in my summing up I quite clearly advised that is going to be part of that consideration.

The Hon. T.A. FRANKS: Very specifically, the promise from the Marshall opposition, now the government, was a piece of legislation on early intervention. Will the government commit to that and give us a time frame?

The Hon. J.M.A. LENSINK: At this stage I am unable to provide the honourable member with a time frame on that particular matter.

The Hon. T.A. FRANKS: Despite lacking a time frame, will the government give an assurance that there will be a piece of legislation on early intervention?

The Hon. J.M.A. LENSINK: I hate to do this to the honourable member, but I am advised that is actually a matter within the purview of the Minister for Education and so my adviser is not able to provide advice on that matter.

The Hon. C. BONAROS: The bill before us deals with the issue covered off in a private member's bill that I have introduced, and that is in relation to the loophole regarding the confessional. My advice—which I would like confirmed on the record—is that should that bill be unsuccessful in its passage, that is a matter the government will consider as part of its review going forward.

The Hon. J.M.A. LENSINK: The advice from the department is that that particular matter can be considered as part of that review.

The Hon. C. Bonaros: And will be.

The Hon. J.M.A. LENSINK: And will be, and I am sure the honourable member will advocate for that.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

The CHAIR: I note that the Leader of the Opposition has indicated in his second reading contribution that he will not move the amendment standing in his name. Can he please confirm that for the Chair?

The Hon. K.J. MAHER: On the basis that clause 6 is being opposed by the government, I am not moving the amendment standing in my name.

The CHAIR: Will the minister confirm that the government will oppose clause 6?

The Hon. J.M.A. LENSINK: That is correct.

The CHAIR: It is my understanding that the government will vote against clause 6.

The Hon. J.M.A. LENSINK: Correct.

The Hon. T.A. FRANKS: For the record, the Greens are very happy that the government will not insist on clause 6 and has decided to withdraw this clause.

Clause negatived.

Clauses 7 to 13 passed.

Clause 14.

The Hon. T.A. FRANKS: Given that this deals with the possibility of a situation where there is a payment of money for the benefit of the child through the chief executive to the Public Trustee, and that this is to be resolved with regulations, what are the potentials for the child to be able to avail themselves of the benefit of the moneys held in trust for the purposes of education prior to the time they turn 18? Will they receive the moneys when they turn 18? There is a lack of detail here. If the government could outline what they expect the regulations with regard to this clause, which is an entirely new clause, to look like, that would be of benefit, I am sure, to the operation of the act.

The Hon. J.M.A. LENSINK: Currently, the act provides for the chief executive to receive funds on behalf of a child or young person in care and provides two mechanisms for holding those funds, either depositing the money in Treasury or with an authorised deposit-taking institution. This amendment removes the option of depositing money in the Treasury and introduces an alternative option of referring the money to be administered by the Public Trustee.

There are a number of circumstances in which a child or young person in care may receive a lump sum of money. These circumstances could include the child or young person receiving a gift or inheritance, victims of crime compensation, native title compensation or royalties. Any funds held on behalf of a child or young person must be returned to the child at the point the chief executive ceases to have responsibility for the affairs of the child or young person, which will be when the child turns 18, or earlier if they leave care at a younger age.

In some instances, the Public Trustee has legal authority to continue to hold the funds on behalf of the child or young person once they attain 18 years of age, for example, if there are limitations with the child's development capacity or a disability and the Public Trustee is appointed by a court or tribunal as administrator. The advice is that, prior to the young person turning 18, matters such as education are paid for by the department. There would only be exceptional circumstances in which those funds could be expended. Prior to exiting care, there would be a transitional care plan, which would have a focus on things such as financial literacy.

The Hon. C. BONAROS: In relation to that last point, these are the transitional arrangements when a child turns 16; is that correct? From 16 through to 18, is it correct that there will be a plan in place to ensure that the child has some financial planning measures put in place pending their 18th birthday?

The Hon. J.M.A. LENSINK: Yes, that is correct.

Clause passed.

Clause 15.

The Hon. T.A. FRANKS: Your other side has just risen, and this bill has to be implemented by 22 October. That means it does not matter what we do right now—just pointing that out.

The Hon. J.M.A. LENSINK: It is out of my control.

The CHAIR: Minister, given the House of Assembly has risen, do you wish to proceed?

The Hon. J.M.A. LENSINK: Yes. While we are here, I think we should proceed.

Clause passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (18:10): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PETROLEUM AND GEOTHERMAL ENERGY (BAN ON HYDRAULIC FRACTURING) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (18:11): I move:

That this bill be now read a second time.

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

Leave granted.

Prior to the 2018 State election, the community of the South East vocally sought a moratorium on fracture stimulation in their region. The Liberal Party promised that, if elected, it would implement a 10 year moratorium.

After winning the election, the Marshall Liberal Government kept its promise and implemented our moratorium through policy so that it could come into effect as soon as possible, and avoid Labor playing politics with the moratorium in Parliament as they have opposed so many other commitments endorsed by the community at the last election.

What has become abundantly clear is that the community of the South East were fearful that a future Labor Government would remove our policy, undermine the moratorium intent and the space it has created for the resource sector and local community to engage on this very important issue.

We don't want there to be any doubt for the community in the South East that our commitment for a 10-year moratorium is established for the full 10 years. And, we don't want Labor to play politics with the South East communities livelihoods.

The Government has taken its time to carefully and thoroughly consider the Member for Mount Gambier's bill and the implications of legislating the existing moratorium in the South East.

The Government's view is that legislating the moratorium on fracking in the South East will have a limited impact on the on the resources industry, because the moratorium is already in place in policy.

Further, this moratorium will not impede the development of the conventional gas industry in the South East. An industry that has operated safely and alongside agriculture pursuits in the South East for over 100 years.

It is expected that the current work programs of the industry with the community through the CSIRO Gas Industry Social and Environmental Research Alliance (GISERA) to better understand the environmental and social context of the industry will continue.

We have considered the Member for Mount Gambier's bill carefully, and we listened to the community of the South East. We are glad to provide reassurance to the people of the South East that our election commitment will hold.

The Government acknowledges the work undertaken by the Member for Mount Gambier and also the Hon. Mark Parnell in pursuing this issue.

As a former resident of Mount Gambier who still has family in the district I well understand the strong feelings on this issue and am therefore pleased to move this second reading on behalf of the Government.

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

SUMMARY OFFENCES (DISRESPECTFUL CONDUCT IN COURT) AMENDMENT BILL

Introduction and First Reading

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

INFRASTRUCTURE SA BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

At 18:14 the council adjourned until Tuesday 16 October 2018 at 14:15.