HOUSE OF ASSEMBLY

Wednesday, 14 October 2015

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

Parliamentary Committees

PUBLIC WORKS COMMITTEE: FLINDERS MEDICAL CENTRE TRANSFORMING HEALTH PROJECT

Ms DIGANCE (Elder) (11:01): I move:

That the 527th report of the committee, entitled Flinders Medical Centre Transforming Health Project, be noted.

In October 2014, SA Health commenced the Transforming Health initiative. It incorporates a number of reforms, including the establishment of new models of care, changes in clinical service profiles of hospitals across South Australia and the health system, and capital investment into SA Health assets.

As part of the initiative, a number of projects have been proposed, including the redevelopment of the Flinders Medical Centre. The centre is the major tertiary referral facility for acute care and emergency services in the southern region of Adelaide. The hospital manages the majority of major and complex medical and surgical diagnostic and treatment procedures for the southern region and provides services to all types of patients, including those with severe life-threatening disorders or those with limited chance of survival. The hospital is also a tertiary referral teaching hospital associated with Flinders University. Through the Transforming Health initiative, the role of Flinders Medical Centre will be expanded to also create a rehabilitation services hub with new palliative care facilities and new mental health facilities for older persons.

Consultations with an expert advisory panel that included clinicians and consumers identified that the Repatriation General Hospital palliative care service, including Daw House inpatient service, would be better relocated at the Flinders Medical Centre. Previously, this scope of works had been identified for the Noarlunga health service. Following this feedback, the palliative care services will now be provided from the Flinders Medical Centre site.

The full scope of works will provide a new 55-bed rehabilitation building comprising inpatient, ambulatory, research, teaching, consulting, hydrotherapy pool and gymnasiums base; a new 30-bed older persons' mental health unit, including consumer accommodation, administration, consulting, interview and sally port facilities; a new 15-bed palliative care ward with a courtyard garden located within the rehabilitation building; a new multi-deck car park delivering in excess of 1,240 car spaces; enhanced secure bicycle storage; two linkages to Flinders Drive to improve vehicle access and flow; new pedestrian and vehicle linkages to support interconnection of the new facilities with each other and connection with the main hospital building; and site engineering and infrastructure works to provide engineering systems to the new facilities.

The total cost of the works, including the palliative care building, is $170.5 million exclusive of GST. Consultation regarding the works has occurred with the Flinders Medical Centre, the Repatriation General Hospital and Southern Adelaide Local Health Network, clinical and nonclinical staff, and consumer advisory groups. Consultation is ongoing with these groups.

Project construction is due to commence this month with completion of the works by September 2017. Given this and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:04): I too rise to speak on the 527th report of the Public Works Committee, entitled Flinders Medical Centre Transforming Health Project. The Flinders Medical Centre project comes at a cost of $170.5 million and is the largest of the four Transforming Health projects. This work involves constructing a new rehabilitation centre, a new palliative care

service, a new aged acute mental health unit and a new, big car park, which does make up about 30 per cent of the cost of the project.

Construction of the facilities is all on the southern side of the site on what is the existing on-grade car parks, and then they will all be linked with covered walkways into the main part of the hospital. During the hearing we were told by architects that there would be a multi-storey car park, which will reproduce about 500 car parks, and they will be in the location which is currently being used with an additional 740 car parks and which covers both the demand generated by new functions, including visitors and patients, but which also adds an additional 250 parks to the capacity of the hospital overall.

The total construction cost to the car park was revealed in the vicinity of $30 million to $34 million. As I said, that is quite a large percentage of the cost, but I guess that all people visiting hospitals would understand that a car park is essential when people come in to visit or for people who are going in there for elective or day surgery.

I also asked whether the new infrastructure spend on this Transforming Health project will mean a reduction in doctors, nurses and beds, and that was quite a contentious issue right throughout the theme of all four of the Transforming Health projects. I do want to note that Professor Keefe stated that there are issues overall across the state in terms of equity of outcomes, and she quoted that we do have more doctors, nurses and hospital beds than any other state in the country and that that puts us in a better position than most other health jurisdictions in the western world.

The aim of the health reform is to firstly improve the quality, and as we improve the quality and deliver the appropriate treatment and care to our patients so the need for certain activities will reduce, and the need for the overuse of doctors, nurses and hospital inpatient stays will decrease.

While talking on the Flinders Medical Centre I would like to touch on the disgraceful decision to close the Repatriation Hospital at Daw Park. In 2010 the current government stated that it would never close the Repat Hospital, and the petition of more than 119,000 signatures tabled in parliament recently is a true sign of the greater anger against that closure and that decision by this current government.

How will the elective surgery load of the Repat be delivered given that the Flinders Medical Centre is overcrowded, and ramping has obviously continued all too often? I note that the state government has announced that a replacement for the Repatriation General Hospital's palliative care unit will be built at the Flinders Medical Centre with a 55 bed rehab centre containing the 15 room palliative care unit on the fifth floor.

SA Health's Chief Medical Officer, Paddy Phillips, has said that the current facilities at the Repat are no longer suitable for modern day palliative care, which has advanced significantly over the past 30 years. Again, I think that most of those 119,000 signatures in that petition indicate that it is a bad decision. It has not been met with any resistance from the local members and, I guess, neighbouring local MPs, which is very, very disappointing. I think that it just shows that those people are toeing the party line to the detriment of those people who have relied on the Repat Hospital over many years. I will just leave it that and support the 527th report.

Mr DULUK (Davenport) (11:09): I also rise to speak on the Public Works Committee in relation to the Flinders Medical Centre with just a couple of brief remarks. As the local member for the Flinders Medical Centre, I think everyone welcomes an upgrade to the hospital in their electorate. Certainly, the Flinders Medical Centre and the $170 million spend is a welcome spend by the government.

Two things concern me: one, this $170 million spend is at the expense of about $117 million that was promised by the government in the lead-up to the 2014 state election. Whilst it is a wonderful headline figure, I think overall health services in the state are at a loss as a result of the decisions being made by the government. As the member for Chaffey touched on, a lot of the upgrade to the Flinders Medical Centre is at the expense of the Repatriation General Hospital and the closure that has brought, and the tabling of 119,000 signatures against that closure is certainly of concern.

A concern which is often raised with me, and was again raised on Friday by constituents, is about car parking at the new Flinders Medical Centre. At the moment, there is a huge strain on the

parking capacity for visitors, users, staff and the like of the precinct, including the university. We have a private hospital there and we have a public hospital there and there is not sufficient parking at the moment. I am concerned, with this current proposal, that those parking needs will not be addressed and there will be car parks lost for staff as a result of the Darlington project.

One of the biggest concerns for me is the ability for users of the centre to have access to the upgraded Flinders Medical Centre. I urge the government and the planners within health and the Department of Planning, Transport and Infrastructure to give due consideration to the planning requirements because I believe it is going to be a dog's breakfast. If we can manage this process then I think it will all be smoother in the long term.

Ms DIGANCE (Elder) (11:12): I would like to thank the members for Chaffey and Davenport for their contributions to this debate. I would also like to note that during the Public Works Committee hearing on this Transforming Health project, I did raise with those present previous promises of funding to the hospital, in particular to upgrade the well utilised and often overcrowded neonatal intensive care unit. The commitment is still there and in place and we were told at the committee meeting that we will see those works start to come to fruition next year. I am personally very pleased about that, given my background and that many of my constituents have used that facility over time with their very sick and small babies. I would also like to thank the Public Works Committee for their hard work on these particular projects and also the administrative and executive officer. I recommend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: NOARLUNGA HEALTH SERVICE TRANSFORMING HEALTH PROJECT

Ms DIGANCE (Elder) (11:13): I move:

That the 528th report of the committee, entitled Noarlunga Health Service Transforming Health Project, be noted.

The redevelopment of the Noarlunga Health Service is part of the Transforming Health initiative, which I spoke about with respect to the Flinders Medical Centre Transforming Health redevelopment. The Noarlunga Health Service will support the other Transforming Health initiatives that are appearing in the southern region. The Noarlunga Health Service was built in 1991, with the health village constructed earlier in 1985. The facility was expanded in 1995, with the addition of a mental health facility and additional wards.

As part of the Transforming Health initiative, the Noarlunga Health Service is to play a role in health service provision in the southern area. The role of the health service will change to focus on the provision of single day elective surgery and procedural changes, ensure the timeliness and appropriateness of urgent care and enhance nurse-led and other health services. Consultation has occurred within the South Australian Local Health Network and at the Noarlunga Health Service with clinical and non-clinical staff and a local communications work group is to be established to manage communication with the internal and external stakeholders throughout the project.

Specifically, the project will deliver an expanded day surgery unit and new theatres, including two new theatres of 55 square metres, which will enable greater flexibility for procedures and the expansion and reconfiguration of approximately 900 square metres to enhance the receiving and recovery functions of the operating theatres.

It will also see the relocation of the renal dialysis unit to allow expansion of the day surgery unit and provide for physical separation of the existing paediatric cubicles in the emergency department and walk-in emergency clinic. Given that the facilities to be redeveloped are situated in the centre of the existing hospital, careful staging of these works is required to maintain services throughout the redevelopment. There will also be some associated infrastructure redevelopment and upgrades to support these works.

The cost of these works is $10.205 million exclusive of GST and construction work for the project is due to commence in January 2016, with the completion in March 2017. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:15): I would like to put on record a few remarks about the 528th report of the Public Works Committee relating to the Noarlunga Health Service through Transforming Health. As the Presiding Member has just said, the Noarlunga project is a much smaller project than Flinders—$10.2 million.

Its primary focus is to redevelop the operating theatres and day surgery suite, including the pre-operative stages and the post-recovery stages, and includes the construction of two new larger operating theatres, making the facility much larger and easier for doctors and surgeons to use. Some of the works are also being undertaken in relation to the emergency department and relocating the renal unit within the hospital.

Construction is expected to start in 2016 and continue into early 2017. During the hearing we were told that the program is possibly a bit longer than they would have anticipated for a project of that size, but I think it is really about the hospital being able to make the transition. They have staged the work so that it will not interrupt any of the day-to-day hospital needs and they are going to accelerate it as best they can.

A further note was that, in 2014, there was a promise of $31 million to the Noarlunga Hospital and the committee was told that that was in the original scope. But now, obviously, with the reduction from $31 million to $10.2 million, Transforming Health really does not portray what was promised in the 2014 election pledge. We were also told that Noarlunga would be able to provide good general hospital services whereas the tertiary level services would be undertaken at Flinders.

We would have to remember that the state government's initial plans for Noarlunga Hospital involved scaling back the ED and replacing it with a nearby walk-in clinic. However, after a significant backlash from the opposition, doctors and patients—and, of course, we cannot forget members of the Labor Party voicing their concerns—there was a backdown by the health minister. But, in general, the committee gave overall approval and support to the project.

Mr PICTON (Kaurna) (11:18): I rise to support this report from the Public Works Committee regarding the upgrade to Noarlunga Hospital. As members will, I am sure, be aware, Noarlunga Hospital is a very important facility for residents who live in the southern suburbs. It is quite a distance from the outer southern suburbs in my electorate to Flinders Medical Centre, so having Noarlunga Hospital there to service people in my electorate is very important and I know everybody in my electorate is a strong supporter of the services and the doctors and nurses who work at Noarlunga Hospital.

It is great to see that, as part of the Transforming Health project, $10 million will be spent at Noarlunga. I am very excited to see that that is going to include two new operating theatres for the hospital, both of which are going to be 55 square metres in size, which is significantly larger than the current operating theatres at the hospital. This will enable Noarlunga to become a centre for day surgery in the southern suburbs. We are increasingly seeing more and more operations being undertaken as day surgery.

Day surgery means up to a 23-hour hospital stay so it can be quite involved. One of the benefits of creating Noarlunga as a centre where day surgery can happen is that it can be much more efficient and it can mean that very few people will need to get their surgery cancelled. One of the unfortunate things about the health system at the moment is that many people who have their elective surgery scheduled have organised leave and family to support them and then find out that their elective surgery gets cancelled because there has been a large number of emergency admissions, and that particularly happens over the winter flu season.

Looking at the experience of other states, and in particular the Victorian health system, if we can create some hospitals as elective surgery centres, then that will mean there is less likelihood that patients will get their surgery cancelled. That means that patients will be able to get their surgery quicker and there will be less disruption to the health system if we can do that, so that will mean that more patients will be able to get their surgery at Noarlunga.

I was interested to see in *Hansard* that the health department, in their evidence to the Public Works Committee, said that that will be a wide range of different types of surgery, and as many as they can possibly do through day surgery will be happening at Noarlunga. I will certainly support that

and support seeing a huge range of different types of surgery happening at Noarlunga than happens at the moment.

One of the other important parts of this $10 million project is to create some separate physical location in the emergency department for paediatric patients. As members may know, at the moment there is no separate paediatric section in the emergency department. That means that children are mixed in with all the adults who are in the emergency department, and it can be a confronting place for a child to be in an emergency department considering the huge number of different cases that it deals with.

One of the things that the doctors and nurses have raised with the health minister—and he has now taken action on—is creating some separate bays that are specifically for children in the emergency department. With the growing number of families in the southern suburbs, that will be very much appreciated by people.

There are also some associated upgrades as part of this project that include upgrading the areas for recovery from elective surgery and preparation for elective surgery. There is also a move for the renal dialysis service in the Noarlunga Hospital which will enable some of the upgrades to happen, and that is all funded out of the $10 million of this project.

I also note that, as well as this upgrade, there have been a number of upgrades over previous years at Noarlunga and the associated health campus to improve mental health services. That is a growing area of demand in the south and I think we are going to see more demand for that in the future. As part of the Transforming Health plan, that has clearly been projected as an area to grow at Noarlunga.

As members will know, and as the member for Chaffey pointed out, originally in the draft plans that were prepared for Transforming Health, there were going to be changes to the emergency department at Noarlunga. In the draft proposal it was to go to the GP Plus Super Clinic across the other side of the car park and become an emergency walk-in clinic. As I have spoken about in the house before, that not only caused significant concern in the community but also amongst doctors and nurses.

Together with the members from Reynell and Fisher, I worked to prepare a paper and we presented that to the health minister, along with other consultation documents from the community. It is good to see that the emergency department will not be moving as part of the Transforming Health plans and that the current excellent doctors and nurses who work there will be staying. It will stay as a 24-hour seven days a week service at Noarlunga looking after the southern suburbs community. I think that has been well received by people in the south who are much comforted to see that service stay there.

This upgrade to Noarlunga will be starting in January and will be continuing until the estimated completion date of March 2017. I think it is wise that that has been staggered to ensure as minimal amount of disruption as possible for what is obviously a busy working hospital. Considering that a lot of these upgrades are internal to the hospital, we do need to make sure they are staggered and that hospital work will not be disrupted.

I congratulate the committee on its report and I look forward to seeing this upgrade go ahead and the services for people in the outer southern suburbs significantly improved, particularly with this extra elective surgery that will be provided at Noarlunga Hospital.

Ms DIGANCE (Elder) (11:24): I would like to thank the member for Chaffey and also the member for Kaurna for their contribution to this debate. To the member for Kaurna, member for Fisher and member for Reynell, I think you displayed great advocacy skills on behalf of your electorates, and a testament to this—

An honourable member: Who wrote it?

The DEPUTY SPEAKER: Order!

Ms DIGANCE: —are the emergency service facilities that—

Mr Knoll interjecting:

The DEPUTY SPEAKER: Order! Member for Schubert, bad luck for you because the Speaker has already drawn the book up and I am going to have to call you to order.

Ms DIGANCE: We have seen the emergency service being retained at the Noarlunga health services and also the addition of facilities to allow for the treatment of children. I think that separation of facilities for children in an emergency service area is very important.

I would like also to thank the rest of the hardworking members of the Public Works Committee, the administrative people and all the witnesses who came before us, and I recommend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: THE QUEEN ELIZABETH HOSPITAL TRANSFORMING HEALTH PROJECT

Ms DIGANCE (Elder) (11:26): I move:

That the 529th report of the committee, entitled The Queen Elizabeth Hospital Transforming Health Project, be noted.

An honourable member interjecting:

Ms DIGANCE: That's next. The Transforming Health initiative involves a whole-of-system approach incorporating a range of interrelated services being delivered across multiple sites, which I have already outlined with previous projects in the southern region.

The Queen Elizabeth Hospital has also been included as part of the initiative and will be redeveloped. The oldest of the health buildings, the hospital dates back to 1959, with new ward accommodation being completed in 2003 and 2007. The new mental health for older persons building was completed in 2013 and the new allied health building in 2012. This hospital will be a key facility in the South Australian health system and requires further redevelopment, including physical changes, in order for it to meet the requirements of the changing health environment and the new approach to the management of health in South Australia.

Specifically, the role of The Queen Elizabeth Hospital will change to incorporate the provision of spinal and brain injury rehabilitation and general rehabilitation, including orthopaedic and stroke. As such, the redevelopment of the hospital will include the repurposing of 62 existing beds to accommodate rehabilitation services for spinal injury, brain injury and general rehabilitation, and a new ambulatory rehabilitation building for the new hydrotherapy pool and support space, as well as new therapy and staff support areas.

The capital cost for this project is $20.4 million, exclusive of GST. Extensive consultation has occurred at both The Queen Elizabeth Hospital and the Hampstead Rehabilitation Centre. In addition, consultation will occur with the Charles Sturt council and the local community. A local communications work group is to be established to consult with both internal and external stakeholders. Construction is due to commence in January next year, with completion by the end of 2016. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr KNOLL (Schubert) (11:28): I rise to talk about the QEH redevelopment, not because it has any great proximity to the electorate of Schubert but because over the past 18 months I have heard a lot of stories from members of my electorate finding their way into the Hampstead Rehabilitation Centre and who will, self-evidently, find themselves in the future having to head down to The QEH to receive treatment for spinal and brain injury. I want to talk about a couple of experiences I have had of people coming into my office in response to these proposed Transforming Health changes.

Having moved out to the country about five years ago, and understanding what country life is all about, it is a beautiful environment in which to live and it is a beautiful environment in which to raise a family because of the cleanness of the air and the beautiful green surroundings, especially at this time of year. There is a wholesomeness to living in the country that sustains country people.

When these people have horrific brain or spinal injuries they almost invariably end up in the Royal Adelaide Hospital. After they complete their surgery they then head off (at the moment) to the Hampstead Rehabilitation Centre to rehabilitate. Going from a beautiful, relaxed country environment to a hospital-like environment is not a positive step. I think we can all agree that sitting in hospital is not necessarily the best thing for a person's rehabilitation, in terms of their mindset, especially when they are used to big, wide open spaces. Confined to a hospital bed or inside a hospital ward is not necessarily the best place to rehabilitate, especially when we are talking about weeks, if not months, of rehabilitation.

Obviously, what is being proposed with the transfer of the Hampstead Rehabilitation Centre to The QEH is the closing down of the centre and moving those facilities to a hospital-like environment. We are going to close the Hampstead Rehabilitation Centre, which has access to open areas, to parks, to gardens, to a whole host of services, including gym services and a pool, and move those facilities to a hospital-like environment.

I would like to talk about a gentleman in my electorate who lives out Sedan-Cambrai way, out in the flats. This gentleman is known to me because he is a pig transport carrier. It turns out that he has been carting for many years pigs that end up in beautiful Barossa Fine Foods sausages. He and I had a conversation. I have had cause to meet his son, who is a brilliant artist out in the Barossa, but he really wanted to talk to me about the situation with his daughter.

His daughter was a high school student. She was doing year 11 or year 12 and had a horrific brain injury. She went to the Royal Adelaide Hospital and received treatment and was there for quite a long time. Her father spoke to me about the fact that the entire time she was in the Royal Adelaide Hospital she did not show any signs of improvement. She was fairly non-responsive; she was not able to talk. Her father, who is a pretty gruff sort of guy, was standing in front of me with tears in his eyes because he saw his daughter's pain and suffering and because his whole family was sitting there waiting for things to improve, as they were supposed to.

After about five or six weeks, I think, she got moved across to the Hampstead Rehabilitation Centre and her father said that, all of a sudden, literally within days, they started to see a vast improvement from her, especially when they sat around in the garden areas, smelling the fresh air and looking at the flora and fauna around there and getting involved in what she would have considered her more natural home environment. She started to talk a lot more. She started to rehabilitate in terms of walking and those kinds of things, getting her physical movement back. She improved in leaps and bounds.

Her father was at pains to stress to me that it was only when his daughter was moved from a hospital-like environment to a more relaxed setting, a more comfortable setting, that she started to thrive. His concern is that if the future path is going to be from the RAH to The QEH, it is not going to provide for that more relaxed environment. It is going to go back to being a hospital-like environment.

I also had a doctor in my area who broke his leg in a bicycle accident. From what I understand it was an accident involving a single bicycle. He spent weeks out at the Hampstead Rehabilitation Centre and came home full of praise for what that centre was able to do for him. I have also had discussions with people who are quite familiar with Paraquad SA and their concerns about the fact that this move from the Hampstead Rehabilitation Centre to The QEH is going to result in a loss of square metreage of space for rehabilitation in this area and also that it will not provide the level of gym services that the current centre provides. On all of these things, Paraquad SA's view is vital to being able to rehabilitate their people.

It has been made a lot more clear to us on this side of the house that the smoke and mirrors Transforming Health proposals, which may have some element of trying to improve the efficiency of service, are not about improving the quality of service—and they are about reducing costs. That is, of itself, not necessarily a bad thing, but it is not a conversation that the government has been willing to have; in fact, they have been trying to hide and run away from the idea that Transforming Health is about saving money. Indeed, in this place and outside of this chamber, the Minister for Health, the member for Playford, has not ruled out the fact that we are going to see a significant reduction in bed numbers, somewhere quoted up to around 800 beds, as we understand.

This belies the fact that Transforming Health has been a process that has been designed around trying to deliver an outcome, but the government has not been willing to have an honest conversation with the people of South Australia. There is an argument to say, 'Look, health spending will swallow up the entire budget, we need to have a rethink about the way we do things.' You would have to consider that it is about a $3.5 to $4 billion budget that there are better ways that we can spend that money. I think that is a conversation that the government could have but they have chosen not to; they have chosen to spend $3 million worth of taxpayer money on an advertising campaign, purely designed to try to move away from having an honest conversation about cost.

When we stand in this place, and we are discussing now The QEH proposal, talking about a diminution of services, we are talking about not only cutting costs but also cutting quality, and that is the part that I think South Australians will most baulk at. That is the part of the conversation that I do not think is okay. Certainly, the concerns of people in my electorate that are not being addressed are legitimate concerns and ones that should otherwise be taken into account.

I implore the government to come clean and be honest, help us to understand the true intent behind these proposals, and let's find a way to make sure that we can try to do things better at lower cost but at the same time not reduce the quality of services for the most vulnerable in society for people at a time when they most desperately need their government to stand up for them and deliver for them at those critical junctures post horrific injury.

Mr WHETSTONE (Chaffey) (11:37): I too welcome the 529th report of the Public Works Committee on The QEH Transforming Health Project. To note, as a committee member, it was a hearing dealing with the four projects that really ended up having a common theme and that was about, as I think the member for Schubert has so eloquently put it, the government hiding behind the smoke and mirrors, reducing bed numbers and, essentially, trying to explain but not explain how they had to reduce their healthcare budget but also uphold the level of care, courtesy and good outcomes, and that is what every person who visits a hospital ultimately is looking for.

The $20.4 million project (GST inclusive) is set to have a primary focus on rehabilitation with the majority of construction expected to take place next year. A new hydrotherapy pool, which I am sure every regional hospital in South Australia wished they had—and I know the member for Schubert would like a new hospital. Of my six hospitals in the electorate of Chaffey, four of them would absolutely die for a hydrotherapy pool—

Mr Pengilly: Absolutely.

Mr WHETSTONE: Of course, the member for Finniss agrees with me. I am sure he is looking for a hydrotherapy pool down at—

Mr Pengilly: The south coast.

Mr WHETSTONE: Down at the south coast.

Mr Pengilly: Kangaroo Island.

Mr WHETSTONE: And Kangaroo Island, of course. I tend to treat myself as a bit of an expert with rehabilitation because, throughout the course of my youth and my early adulthood, which luckily I am still in, I have had to rehabilitate many times sporting injuries, sadly.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr WHETSTONE: Whether it was through performing above my capacity or capability, it always seemed to put me in hospital in one way, shape or another. I think obviously rehabilitation is something that is critical after you have been fixed up, stitched up, realigned or put back together. Rehab is probably the most important, because getting back into the groove is what life is all about. The 62 existing beds repurposed for rehab services are currently used for the general medical and aged assessment.

One of the other common themes throughout the hearing was the simple questions that I asked, and they were just simple yes or no questions. I asked many times as to whether there will be fewer beds at The QEH. The response was, 'We are going to have the number of beds that we

need to deliver care that we need for our population.' Another question was, 'Will we have more or less beds?' and the answer was, 'We have more beds than anybody else in Australia.' I again asked, 'Will there be more or less beds?' The answer:

> We have more beds per head of population than anywhere else in Australia, so we are going to aim to end up across the system with the right number of beds for our population...
>
> I imagine that, if we manage all of the reform that we want, we will not need as many beds as we have now.

Again, I asked for that simple yes or no: 'If we are successful with our transformation, we will' have fewer beds. I asked 40 questions and I was only looking for one answer, and eventually I got it: we will have fewer beds, we will have fewer nurses and we will have fewer doctors.

Just a quick note on the state government's upgrade at the Berri Hospital in my electorate: as I have stated, the hydrotherapy pool is one of those assets that the government needs to consider more important than just the bottom line. As I have said, hydrotherapy pools play a significant role in the health, wellbeing and end outcome of all patients. The hydrotherapy pool is something that I will continue to advocate for to this health minister and this government, and hopefully in the not too distant future we will see a change of government and a change of health minister that will be more accommodating when we are looking to justify the needs of regional rehabilitation.

During the hearing, we were told of the extra landscaped area in the therapy spaces. I have said that I think that is very important, and I am sure the member for Schubert would acknowledge that surroundings are very important in rehabilitation. It is not only having good clinicians, doctors, equipment and services, but just the tranquillity and some form of a surrounding there to not only help people rehabilitate but also to help their mind and headspace cope with what they are going through at a time.

We were told that the project does involve the relocation of rehabilitation capacity from the existing Hampstead site and SA Health is working through the consultation. I think it is sad that we continue to centralise, and obviously the philosophy of this current government is to centralise at all costs. We were also told that:

> ...we have recently constructed quite a bit of new capacity at Lyell McEwin, and we would expect that Lyell McEwin will soon be able to treat more of the northern constituents rather than [having them travel to] The Queen Elizabeth.

I think while that might be good for the people of the north, there are a lot of boxes that will not be ticked once Transforming Health is implemented.

I asked about the clash of the QEH project and the supposed opening of the RAH. I think that really did open up the eyes of most people in the room that, yes, while we are having a transition from the current RAH to the new RAH, we will also be dealing with The QEH as well. That will be interesting to watch in its rolling out. As I have made clear, there were a number of concerns within the project, but nevertheless, it was given the green light and I think the committee did a great job.

Ms DIGANCE (Elder) (11:45): I thank the member for Schubert and the member for Chaffey for their contributions to this debate. I also thank the other hardworking members of the Public Works Committee, the administrative staff and executive officer, and all the witnesses who came before us and I think thoroughly covered this particular project also. I recommend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: MODBURY HOSPITAL TRANSFORMING HEALTH PROJECT

Ms DIGANCE (Elder) (11:45): I move:

> That the 530th report of the committee, entitled Modbury Hospital Transforming Health Project, be noted.

This is the fourth and final project of this particular suite of Transforming Health projects. In assessing the facility requirements to support the Transforming Health initiative, and the South Australian health system more generally, the Modbury Hospital has been identified as requiring redevelopment including physical changes.

The role of the Modbury Hospital will change to allow for the expansion of general rehabilitation services inclusive of the outpatient services. It is also planned to expand the provision

of ophthalmology diagnostic and treatment procedures. The project works are a combination of redevelopment, minor new works and infrastructure upgrade. Specifically, the project will include:

- the repurposing of level 3 wards to create 32 rehabilitation beds, increased number of single and double rooms, increased number of ensuites, and provide for therapy space on the wards;
- a new ambulatory rehabilitation centre composed of three pods: the generic treatment pod; the specialist treatment pod; and the hydrotherapy pod, which includes therapy gymnasiums, consultation spaces and the pool;
- the provision of 770 square metres of ophthalmology diagnostic and treatment areas, subject to further consultation; and
- the relocation and upgrade of some site infrastructure and the maintenance of appropriate car parking, with particular attention to disabled car parking, to service the new ambulatory rehabilitation facility.

The cost of these works is $32 million exclusive of GST.

Extensive consultation has occurred at the Modbury Hospital with clinical and non-clinical staff. In addition, consultation will occur with the City of Tea Tree Gully. A local communications work group will be established to facilitate communication with the internal and external stakeholders. Construction works are due to commence in January 2016, and the construction component is due to be completed by the end of that year.

Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr GOLDSWORTHY (Kavel) (11:47): I am pleased to speak to the report that the member for Elder is bringing to the house as the Chair of the Public Works Committee, in relation to different things occurring at Modbury Hospital. Part of my constituency looks to the Modbury Hospital for the provision of health services, particularly the northern part of the Kavel electorate.

I have listened to the member for Elder provide her contribution to the house and outline the significant works that are taking place at the Modbury Hospital, but the reality of this situation is that there are services being cut from the Modbury Hospital. I have raised this issue in the house previously. While I know it is against standing orders of the house to use materials as a display, I am going to use material that you, Deputy Speaker, as the member for Florey, put into your electorate some months ago.

The DEPUTY SPEAKER: You can mention it.

Mr GOLDSWORTHY: I understand the member for Newland has put similar material into his electorate, outlining what services would be provided at Modbury Hospital. On this material that has been circulated in the Florey and Newland electorates, it states that cardiology and orthopaedic services will be provided. We know that the Minister for Health has recently announced that those two categories of health services are being withdrawn from the Modbury Hospital. The Hon. Stephen Wade (the shadow minister for health in the other place) put out a statement last week saying that the government has made a decision to transfer orthopaedic and cardiology services to the Lyell McEwin Hospital from the Modbury Hospital. That presents a number of questions.

One of the main questions I think all the constituency in the suburbs in that part of Adelaide (and, also, in part of the member for Schubert's electorate and my electorate) is: what does that mean in terms of providing a satisfactory level of health service if an emergency presents? If a patient presents at the emergency department with a heart attack, for example, is the Modbury Hospital able to perform emergency cardiac surgery given that the cardiology service is being transferred to the Lyell McEwin Hospital? Does that mean that that patient is put at potential risk, having to be put in an ambulance and driven 15 minutes out to the Lyell McEwin Hospital? We want to know the answers to these questions.

The leader asked a number of questions yesterday in question time about services and related issues at Modbury Hospital and we did not get very good answers, I have to say—just the

usual spin and bluff and bluster that has been the hallmark of this Labor government over its 14-year term in government. Then the member for Florey asked a Dorothy Dixer—

Ms Bedford: I beg your pardon!

Mr GOLDSWORTHY: —of the Minister for Health.

Ms DIGANCE: Point of order.

Mr Pengilly interjecting:

The ACTING SPEAKER (Hon. S.W. Key): Order!

Ms DIGANCE: It was a government question.

Ms Bedford interjecting:

The ACTING SPEAKER (Hon. S.W. Key): Order, member for Florey! Continue, please, member for Kavel.

Mr GOLDSWORTHY: Thank you, Acting Speaker. The member for Florey asked a Dorothy Dixer of the Minister for Health and he gave a long answer—

Ms Bedford: It was a supplementary question.

The ACTING SPEAKER (Hon. S.W. Key): Member for Florey, point of order.

Ms BEDFORD: It was a supplementary question, and the record should show that.

Members interjecting:

The ACTING SPEAKER (Hon. S.W. Key): Can I just ask for a bit of order? I am very aware of the sheet here that the Speaker has made available and I will be bringing down rules as harshly as he does. Could you please continue, member for Kavel; and please do not interrupt the member for Kavel while he is trying to make his presentation.

Mr GOLDSWORTHY: Thank you, Acting Speaker, for your protection, because we on this side of the house are very concerned and very interested in where this government is taking health in general; and I am very concerned, on behalf of my constituents who use the services at Modbury Hospital, where the government is taking the provision of services at the Modbury Hospital. That is my concern.

The members opposite can raise points of order and do what they like to try to obfuscate what we are trying to achieve on this side of the house, but it is probably one of the most important issues that South Australians face—apart from the economic shambles the show is in: that sits, probably, above this. It is critically important to understand what services will be provided once this Transforming Health process is completed.

In answer to the member for Florey's question, the minister says, 'SA Health will also hold community information sessions.' That is part of the quote in the minister's answer. What does that mean? Are we going to have a proper meeting in a community forum or are we just going to see another repeat of a couple of public servants with a couple of placards positioned out at Tea Tree Plaza or Tea Tree Plus, or somewhere like that, where people just passing by can ask questions? That is what we have seen as some pretty glaring examples of the government's community consultation process in relation to issues. Is it going to be just a couple of those pull-up stands that you hook up on top of the frame, with a couple of public servants out there to answer questions if perchance some concerned member of the community happen upon them and ask them some questions?

These are all very important issues. I know this is all a bit uncomfortable for the government members to deal with, but this is the reality of the situation because the government has form on these sorts of things—very poor form, I might say, in relation to its community consultation process. We have seen that over a myriad of issues over the last 14 years. I could go on forever about that, but my time is running out.

The ACTING SPEAKER (Hon. S.W. Key): You have three minutes.

Mr GOLDSWORTHY: Given that the member for Newland and the member for Florey have put this material into their electorate saying that cardiology and orthopaedics are services that Labor is delivering at Modbury Hospital, I expect them to actually put out some new material and state that those services will no longer be provided—because that is the reality of the situation.

These are serious issues. As I said, if somebody presents at the emergency department with a cardiac arrest, with a heart attack, and has to undergo emergency surgery, will the surgeons at Modbury Hospital be able to perform that, or will that patient have to potentially be put at a higher level of risk, put in an ambulance and transported to Lyell McEwin or the Royal Adelaide Hospital to undergo surgery? These are very important issues, critically important issues, the government needs to address and answer in an accurate and truthful manner.

Ms BEDFORD (Florey) (11:57): I am glad we have just mentioned truth because, as we all know, in any skirmish the first casualty is always the truth. I am afraid it is really sad that the members of the opposition see it necessary to keep peddling this fearmongering within the community. All you are actually doing is undermining important changes that are going on in health.

Mr PENGILLY: Point of order: I just ask you to rule on whether the member for Florey is actually discussing the report, which is what is tabled and being discussed.

The ACTING SPEAKER (Hon. S.W. Key): I think I gave the member for Kavel a wide berth, member for Finniss, so I would suggest that is not an appropriate point of order.

Mr TARZIA: Point of order.

The ACTING SPEAKER (Hon. S.W. Key): Point of order. Are you making a point of order out of your place? So, I do not recognise you. Sit down. Member for Florey, please.

Ms BEDFORD: If we are addressing the actual report we are talking about, which is the improvements being made at Modbury Hospital, there is not a person in this chamber who can deny that improvements are being made at Modbury Hospital. No-one has spent more time watching Modbury Hospital in the past 20 or more years than me. I have been the one who slept in the car park to keep the place open when you guys privatised the management and saw the running down of the place to almost non-operational—pardon the pun.

We have struggled in our community for many years to lift the reputation of the Modbury because the way you people talk no-one has ever left the place alive. I cannot have you do this and scare people anymore. The changes being made in our health system are being made because, as we all have to reluctantly accept, we cannot provide every single service at every hospital. If you accept that premise, then you have to see things change. Unless they change, they cannot be improved. That is what we are all working to do: improve the services available in all our hospitals.

The surety of services is really important. I am sure all of us have had to use hospitals on occasions. One of the things that really taught me a lesson was when my son had a stroke when he was eight and I rang a hospital and was told, 'Give him an aspirin. We're busy.' If that is the sort of thing you people want to look forward to in the future, then you continue saying that we cannot change a single thing. We have to change things so that centres of excellence exist. We now know that the Modbury Hospital—

The ACTING SPEAKER (Hon. S.W. Key): Member for Florey, would you like to seek leave to continue your remarks?

Ms BEDFORD: Well, I will have to. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Bills

WATER INDUSTRY (THIRD PARTY ACCESS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 October 2015.)

Mr WILLIAMS (MacKillop) (12:01): It is with great pleasure that I rise to speak on the Water Industry (Third Party Access) Amendment Bill 2015. This, I can tell the house, has been a long time coming and, now that it is before us, it is only a shadow of what the state really needs. The reality is that this government, over an extended period, has made an absolute dog's breakfast of water management and planning in South Australia.

The reason that the government have done that is that they have utilised SA Water, this monolithic monopoly that controls most of the water traded in South Australia certainly to residences but also to a significant number of businesses, as a revenue source for the Consolidated Account, sucking hundreds and hundreds of millions of dollars a year out of the pocket of SA Water's clients to prop up a failing budget. The government, at no point in my opinion, has looked at the needs of the South Australian economy, South Australian business, or indeed South Australian households, and tried to formulate policies to maximise the benefit to all those aforementioned.

I particularly want to talk about business in South Australia because we now find ourselves as the state with the highest unemployment level in the nation and it is going backwards. All the things the government spruiked as the future economic drivers in this state have turned out to be nothing more than mirages in the desert. This government has no understanding of the economy of this state and therefore no understanding of the sorts of policy settings that should be put in place to help business not only to survive but thrive and increase employment.

Water policy is one of those areas where the government could have done a lot, lot better. I am not going to go through a full history of what has occurred over the last 10 or 15 years in South Australia, but let me just highlight a couple of things. I am sure that a number of people have taken the opportunity to mention our infamous desal plant, with $2.2 billion or $2.4 billion—

Mr Whetstone interjecting:

Mr WILLIAMS: —the shadow minister tells me $2.3 billion—wasted. This is a piece of infrastructure that has not been used and probably will not necessarily be used within the 30-year period. If it is partially used, well and good, because I stood there, with my then leader, Iain Evans, and members on this side of the house, arguing back in 2007 that we needed to build a modest desal plant to guarantee essential water supply for South Australia, and that is what we should have built.

We would have saved over $1 billion. The original cost flagged in this house by the Labor government back in—I think it was, late 2007, it might have been earlier—I think December 2007 was $1.1 billion, including the connecting pipes to connect the northern and southern parts of the metropolitan water supply system. That blew out to $2.2, $2.3 or $2.4 billion, take your pick. It will be somewhere in that order, at least 2.2, possibly up to as much as 2.4, an absolute waste of money by a government that did not understand what it was doing.

I remember we argued very stridently that there were other avenues, certainly harvesting stormwater and recycling harvested stormwater, and the government pooh-poohed that idea, and I remember one member of the government, a senior minister at the time, even arguing that the opposition wanted to put water as it washed down our streets directly into our drinking water supplies with all the pollutants etc. within it, which just showed the mentality of the government. They did not want to know; they did not want to recognise a good idea when it jumped up right in front of them.

We have seen since then that organisations such as the CSIRO have come out and said that that is indeed a technology which is viable, sustainable and much, much cheaper than the desal option that was taken in South Australia and it was the option that we should have adopted at that time. So I think one of the pieces of history in water policy development in South Australia is that the Liberal opposition, certainly in the last 10-plus years, has had the better and the right ideas for water policy in South Australia, as opposed to the nonsense that has come out of the government.

We are amending the Water Industry Act, and I note that the minister in the other place refers to the ongoing reforms which started with Water for Good and then the Water Industry Act. Let me remind the house that the Water Industry Act was nothing more than the government taking the opportunity to get headline news saying that we were going to have a new water regime in South Australia, a new management regime in South Australia, and one of the underpinning principles of that would be that we would have independent pricing of water in South Australia. What a nonsense.

Even though the Water Industry Act established ESCOSA as an independent pricing umpire, it tied ESCOSA's hands through a mechanism where the treasurer of the day sets a pricing audit which ESCOSA has no opportunity to argue against, or to modify. It has to accept the pricing audit as presented to it by the treasurer of the day, and that is the instrument by which the government continues to set water prices in South Australia, and manipulate water prices it has, not just to cover the exorbitant cost of things like the desal plant but to prop up a failing budget.

The government also transferred a significant part of the state's debt two years ago from the Consolidated Account to SA Water—$2.7 billion I think was the figure. A debt was transferred out of the Consolidated Account to SA Water to try to make its books look better. SA Water has been used and abused by this government for far too long and when the state is crying out for good, sound water policy to help industry and business, we are getting this bit of nonsense that is before us today, that is, a piece of legislation which claims to be about giving third-party access to SA Water's infrastructure but actually is designed to make sure that that third-party access is virtually impossible to achieve. That is what this legislation is about; it is about giving lip service to a grand idea but ensuring that that grand idea never comes to fruition.

Some of my colleagues have talked about some of the schemes that we have had in South Australia. The member for Schubert talked about Barossa Infrastructure Ltd, and I will not go into the detail of that, but the reality is that that is a fantastic scheme to drive ongoing investment in, build confidence in, and to underpin the wine grape industry in that area of the state, the Barossa Valley.

We have other schemes that have been built around the state to drive horticulture and agriculture. There is the scheme where treated wastewater from the Bolivar Wastewater Treatment Plant is utilised in horticulture in the Northern Adelaide Plains. We have the Willunga Basin scheme where recycled wastewater from the Christies Beach Wastewater Treatment Plant is being used to do exactly the same thing within the wine grape industry in the McLaren Vale area. All of these schemes were developed while the Liberal Party was in power in South Australia and ensured that these industries were given access to low cost, high quality water to produce food, fibre and wine, products that we could export for the state and also sustain our own food needs here in South Australia.

I juxtapose those schemes that I have just mentioned to the one that was developed under this government, and funded almost entirely by the commonwealth, to build a recycled wastewater pipeline from the Glenelg Wastewater Treatment Plant to the city to provide water for parks and gardens around the city, and to business, supplying water to buildings for air conditioning, cooling etc., and other purposes, generally, in and around the CBD.

The difference between the scheme developed under this government and the scheme developed when John Olsen was the premier of the state is that the water from Bolivar being utilised in the Northern Adelaide Plains is costing those producers a matter of a handful of cents a kilolitre. I think the original price was 14¢, and I do not think it is a heck of a lot more than that now, although I am not sure what the exact figure is.

The figure for the water supplied to the City Council to water the Parklands is 75 per cent of the cost of potable water. That is the cost that SA Water has been forced to charge for the recycled wastewater from the Glenelg Wastewater Treatment Plant—75 per cent of the cost of potable water. Every year, as the cost of potable water goes up that cost also goes up. The reality is that it is not worth using that water. The reality is that after expending something in excess of $70 million building that pipeline it is grossly underutilised. Even worse than that is the fact that instead of the wastewater from the Glenelg plant being piped up here to be utilised in and around the CBD, that water is dumped into Gulf St Vincent and it is causing environmental problems out there.

There is a litany of problems which have been created because this government is blindsided by its need to extract money from SA Water. It has caused untold problems for the state, both for business communities and the environment. We do need third-party access, and a number of members have talked about the situation in their individual electorates.

In the northern part of my electorate, there is a pipeline that runs from Tailem Bend to Keith. It has a branch that goes off to Meningie. Not only does it service communities along the Dukes Highway and Meningie, down on the Princes Highway, but it services the farming community and

provides stock water to farmers in that region of the Upper South-East stretching from Tailem Bend all the way down to Keith. Those farmers are now paying an exorbitant amount of money for water to keep livestock production happening in that part of the state, as the member for Hammond mentioned yesterday. This is a fairly productive part of the state, which turns on high quality beef, milk, mutton—all requiring water from that pipeline, and the cost is becoming prohibitive.

We now have farmers and groups of farmers spending literally hundreds of thousands of dollars building their own pipelines parallel to SA Water's infrastructure to shift water from one part of their farm where they have a bore of fairly reasonable quality water to another part of their farm, which might be five or 10 kilometres down the road, where there is no potable water supply on the property from the groundwater system because it is too saline. So parallel to the SA Water network we have farmers building their own infrastructure. We have farmers putting in desalination plants, spending hundreds of thousands of dollars again. They are building storage or rainwater collecting systems to collect vast volumes of water because they cannot afford to run their business with the cost of water from SA Water.

I cannot for the life of me imagine any greater need for third-party access to SA Water's infrastructure than for those farming communities in the northern part of my electorate. If they could get access to the infrastructure and have water transported, they could then go into the open water market for water on the river, purchase the water themselves and have SA Water transport it to their properties. They could do it as individuals or collectively. It beggars my imagination that they could not more than halve the cost of water if they were charged the real cost plus a small margin for transporting that water through the existing infrastructure. That is the sort of policy setting we need in South Australia, but that is just one example.

We have the same thing with industry throughout South Australia. I am well aware of what the Salisbury council did when they had two problems a few years ago. They had a stormwater problem and they also had businesses in their community that were large water users, and one of them was the Michell Wool scourers. I think they were the biggest water user in the state. The Salisbury council did something that this government is incapable of doing: they looked at two things at once and said, 'We can put them together. There are some incredible synergies here. We can take the stormwater problem and turn it from a problem into an asset. Then we can take one of our major businesses in our community and we can give them access to a much cheaper water supply.' That is what they did over a period of years, and they developed a fantastic system.

I would argue that one of the reasons we had the Water Industry Act, and thereby were able to declare the Salisbury council as a water entity and then regulate it, was that this Labor government in South Australia was so concerned at the success of the Salisbury council's management of water within their own council area that they thought that it might be replicated and indeed undermine their ability to continue to use SA Water as a cash cow. That is how serious the problems with water management are in this state. We have the government who are not just incapable of seeing the needs of the community and providing water policy to accommodate those needs but, in my opinion, actively working against those who come up with better solutions to stop them in their tracks and to secure their cash flow or their revenue stream from SA Water.

The piece of legislation that we have before us today is unfortunate. It is unfortunate because the name of it and the rhetoric behind it is what the state needs but, in practice, the reality is that this will have the opposite impact and the opposite effect to what the state needs. In this very dry state where we have very limited water supplies, we need very, very good water management and we need people who are managing our water system who understand the needs of not just householders and communities but business and industry as well. That is one of the reasons that, in this state, we find ourselves with that huge unemployment level, because we have a government that is only intent on using SA Water because of its capacity to provide revenue to the Consolidated Account rather than using SA Water to underpin the growth and development of business and industry in this state.

Unfortunately, I will not be opposing the bill as it sits because there is nothing else and there is no other opportunity. The opposition will be moving some amendments, and I will certainly be supporting those. I lament that, yet again, after all these years, the Labor Party in government cannot get it right.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (12:20): I thank members for their consideration of the bill and for their contribution. This bill is a significant milestone. It establishes a state-based access regime for South Australia's water industry, one that is consistent with National Competition Policy. It also represents the achievement of a key action in this government's water security plan, Water for Good. It is the government's intention to commence these proposed amendments on 1 July 2016 and to align it with ESCOSA's second regulatory determination for SA Water's retail services. The government will also be seeking certification of this access regime by the National Competition Policy.

The bill requires that ESCOSA provide an annual report and a periodic review. It is the government's intention to use this information to adjust the application of the access regime as the market matures. Initially, however, it is the government's intention that the proposed access regime will apply to SA Water's bulk drinking water pipelines and to the Glenelg to Adelaide recycled water pipeline. This is because the upstream market for bulk water is more fully developed, taking into account the market for River Murray water entitlements and technological advances in water production.

At this stage, I note that the bill also clearly maintains the current legislative and regulatory frameworks for public health, environment and safety. I also note that an amendment was made in the Legislative Council that would require the arbitrator to take into account any ministerial direction given to SA Water under section 6 of the Public Corporations Act 1993.

These directions currently include non-commercial activities performed by SA Water, such as fluoridation and statewide pricing. It is intended to provide SA Water with a direction regarding the basis for negotiating access prices with an access seeker, which would include a requirement for access pricing based on retail price minus avoidable costs. I look forward to an interesting committee stage where, no doubt, a range of views will be expressed. I commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mr WHETSTONE: I move:

Amendment No 1 [Whetstone–1]—

Page 3, lines 21 to 24, page 4, lines 1 to 7—Delete subsections (1), (2) and (3)

The Liberal Party has put forward amendments Nos 1 and 2 (amendment No. 2 being at clause 7) after strong views were raised by ESCOSA during consultation. Amendments Nos 1 and 2 relate to the same issue, that is, the scope of assets. ESCOSA has said that it clearly believes that more infrastructure than should have been had been included within the assets regime.

One of the areas the Liberal Party has previously advocated for is sewer mining. We believe that ESCOSA ought to be the body which makes the determination about which assets should be included. ESCOSA is to protect consumers, and we believe it is the body best placed to make those sorts of decisions.

No doubt the government is going to continue without any amendments to this legislation, meaning that it can itself cherrypick which parts of our water and related segments participate in the scheme. Therefore, we think ESCOSA ought to have greater scope under this particular regime.

Mr WILLIAMS: I was considering asking my question at clause 7, but I think I can ask it here as it is not specific to that clause. In her concluding remarks at the second reading, the minister suggested that part of the scope of the bill would be aimed at certain parts of the infrastructure and included the Glenelg wastewater treatment to Adelaide pipeline.

Can the minister inform the committee what percentage of the capacity of that pipeline is being utilised? It does not bother me which way she expresses that—as a percentage or whether she can tell us how many megalitres or kilolitres of water are being pumped through that pipeline on an annual basis. I think the committee would be well informed if we could have that figure for the last few years rather than just for the current year.

The Hon. S.E. CLOSE: I am afraid we do not have the adviser here who would have that answer, so I am unable to answer that question at this stage.

Ms CHAPMAN: Are any of the items of infrastructure currently owned by SA Water under consideration or being scoped in any way for sale by the government?

The CHAIR: This is on clause 5, is it?

Ms CHAPMAN: It is all infrastructure. Clause 5 relates to the extent of all of the assets to be taken into consideration.

The Hon. S.E. CLOSE: I have absolutely no knowledge of any such proposition.

Ms CHAPMAN: Can the minister obtain that information and come back to the house with it?

The CHAIR: Between houses?

The Hon. S.E. CLOSE: Yes, I guess it is still between houses even though it is going back to one that has been passed, so that is acceptable, yes.

Amendment negatived; clause passed.

Clause 6 passed.

Clause 7.

Mr WHETSTONE: I move:

Amendment No 2 [Whetstone–1]—

Page 5, lines 12 to 20—Delete subsections (1) and (2) and substitute:

(1) Subject to subsection (2) and (3), this Part applies in relation to the operators of the following water infrastructure or sewerage infrastructure, and infrastructure services with respect to the following water infrastructure or sewerage infrastructure (insofar as those operators form part of the water industry under this Act):

(a) water infrastructure that is able to be used for—

(i) the collection or storage of water, including a dam or reservoir; or

(ii) the treatment of water; or

(iii) the conveyance or reticulation of water;

(b) sewerage infrastructure that is able to be used for—

(i) the collection or storage of sewage; or

(ii) the conveyance or reticulation of sewage; or

(iii) the treatment of sewage, including any outfall pipe or other work that stores or conveys water leaving infrastructure used for the treatment of sewage;

(c) other water/sewerage infrastructure brought within the ambit of this subsection by the regulations.

(2) The Governor may, by regulations made on the recommendation of the Commission, exclude—

(a) specified water infrastructure or sewerage infrastructure, or a specified class of such infrastructure; or

(b) specified infrastructure services, or a specified class of such services,

(being infrastructure or services of a kind referred to in subsection (1)) from the application of this Part.

This amendment deletes subsections (1) and (2) and inserts new subsections (1) and (2). I will not expand on this, as I have already explained it in my opening remarks.

The committee divided on the amendment:

Ayes 19
Noes..... 23
Majority..... 4

AYES

Bell, T.S.	Chapman, V.A.	Duluk, S.
Gardner, J.A.W.	Goldsworthy, R.M.	Griffiths, S.P.
Knoll, S.K.	McFetridge, D.	Pengilly, M.R.
Pisoni, D.G.	Redmond, I.M.	Sanderson, R.
Speirs, D.	Tarzia, V.A.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J. (teller)	Williams, M.R.
Wingard, C.		

NOES

Atkinson, M.J.	Bettison, Z.L.	Brock, G.G.
Caica, P.	Close, S.E.	Cook, N.
Digance, A.F.C.	Gee, J.P.	Hamilton-Smith, M.L.J.
Hildyard, K.	Hughes, E.J.	Kenyon, T.R. (teller)
Key, S.W.	Koutsantonis, A.	Mullighan, S.C.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Weatherill, J.W.	Wortley, D.	

PAIRS

Marshall, S.S.	Odenwalder, L.K.	Pederick, A.S.
Bignell, L.W.K.		

Amendment thus negatived.

Mr WHETSTONE: I move:

Amendment No 3 [Whetstone–1]—

Page 5, after line 29—Insert:

86BA—Pricing principles

The pricing principles relating to the price of access under this Part are as follows:

(a) that access prices should be set so as to generate expected revenue that is no more than necessary to meet the efficient costs of providing access;

(b) that access prices should allow multi-part pricing and price discrimination when it aids efficiency;

(c) that access prices should not allow a vertically integrated operator to set terms and conditions that would discriminate in favour of its upstream and downstream operations;

(d) that access prices should provide incentives to reduce costs or otherwise improve productivity.

Amendment negatived.

Mr WHETSTONE: I move:

Amendment No 4 [Whetstone–1]—

Page 7, line 18—Delete '$20,000' and substitute '$200,000'

Amendment negatived.

Mr WHETSTONE: I move:

Amendment No 5 [Whetstone–1]—

Page 7, after line 42—Insert:

(3) The information must be provided within 30 days (or a longer period allowed by the regulator) after the regulated operator receives the application.

(4) If a regulated operator fails to comply with this section in any respect, the regulated operator is guilty of an offence.

Maximum penalty: $200,000.

Amendment negatived.

Mr WHETSTONE: I move:

Amendment No 6 [Whetstone–1]—

Page 10, line 20—Delete '6 months' and substitute '3 months'

Ms CHAPMAN: Why on earth is it not possible for the compliance of the information that is being requested here to be within three months instead of six months? Why on earth is it necessary for them to have six months? Can I just add to the question to ask, what on earth has to be done from the time that there is clearly no resolution, to have to wait six months before the next referral for arbitration takes place? What other information needs to be collated, for example, that requires it to have to wait six months?

The Hon. S.E. CLOSE: My understanding is that the clause refers to it being resolved within six months rather than being required to take six months. The six months is to allow conciliation to occur and that indeed that could be longer if the arbitrator exercises powers under the act if that is seen to be productive.

Amendment negatived.

Mr WHETSTONE: I move:

Amendment No 7 [Whetstone–1]—

Page 11, line 38—Delete paragraph (k) and substitute:

(k) the access price that applies under a determination of the regulator under section 86ZLA (and any award of the arbitrator must not be inconsistent with such a determination); and

Amendment negatived.

Mr WHETSTONE: I move:

Amendment No 8 [Whetstone–1]—

Page 12, lines 1 to 14—Delete subsection (2)

Amendment negatived.

Mr WHETSTONE: I move:

Amendment No 9 [Whetstone–1]—

Page 12, lines 32 to 37—Delete subsection (4)

Amendment negatived.

Mr WHETSTONE: I move:

Amendment No 10 [Whetstone–1]—

Page 16, line 20—Delete '6 months' and substitute '3 months'

Amendment negatived.

Mr WHETSTONE: I move:

Amendment No 11 [Whetstone–1]—

Page 20, after line 5—Insert:

86ZLA—Price determination

(1) A proponent or a regulated operator under this Part may, at any time, apply to the regulator for a determination of the price (the 'access price') that should apply with respect to gaining access to (and using) regulated infrastructure and infrastructure services.

(2) If—

(a) a dispute is referred to arbitration under Division 6; and

(b) the parties have not, before the dispute is so referred, made application under subsection (1),

the regulator will, in connection with the arbitration, make a determination of the access price envisaged by subsection (1).

(3) The regulator, in acting under subsection (1) or (2)—

(a) may require the proponent and the regulated operator to provide such information as the regulator may require; and

(b) must take into account the pricing principles specified in section 86BA; and

(c) must, in any case where Division 6 applies, confer with the arbitrator; and

(d) may otherwise determine the matter in such manner as the regulator thinks fit.

(4) A determination as to price under this section will have effect for the purposes of any negotiation about access under Division 4 or 5 (unless the parties come to their own agreement as to price) or any arbitration under Division 6.

(5) The regulator may, on application by the proponent or regulated operator, or at the request of an arbitrator, vary a determination under this section.

Amendment negatived; clause passed.

Remaining clause (8) and title passed.

Bill reported without amendment.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (12:42): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LIQUOR LICENSING (ENTERTAINMENT ON LICENSED PREMISES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 July 2015.)

Mr TARZIA (Hartley) (12:43): I indicate that I will be the lead speaker for this side of the house today to speak in favour of the Liquor Licensing (Entertainment on Licensed Premises) Amendment Bill. Obviously, this bill pertains to an area in which the government has not done enough in the past—notably, the live music industry—and I note that there have been several submissions in regard to this bill from an array of stakeholders.

Just to give some background and to paint a picture for this place, in terms of its economic importance, it is said that during 2012 the live music industry generated revenues of $2.5 billion. When you look at the total profits and wages generated by the industry—that is the industry value

added—it amounted to $1.53 billion. I am quoting these figures from a study done by EY in 2014 entitled 'Size and scope of the Live Performance Industry Live Performance Australia' report.

The report goes on to study the industry, its outputs, its levers and the things that affect it. When you look at the industry economic indicators, obviously there would be three indicators for measuring an industry like this and its size—the industry's output, the industry value add and the industry unemployment. Obviously, all of these numbers are quite valuable in their own right. The report goes on to study per capita results. It gives a comparison of each state and territory's share of the live performance industry and it compares it against their populations. It provides somewhat of an insight into the concentration of the industry relative to where people live.

It starts with New South Wales in 2012 with 7.35 million people, which is 32.1 per cent of the population and a 38.4 per cent share of industry value add. Victoria had approximately 5.68 million people in 2012, which is a 24.8 per cent share of population and a share of industry value of 27.6 per cent. Queensland had approximately 4.6 million people in 2012, which is a 20.1 per cent share of population and a share of industry value of 15.5 per cent. WA had 2.47 million in 2012, which is a 10.8 per cent share of population and a share of industry value of 10.6 per cent. South Australia in 2012 had 1.66 million people, which is a share of population of only 7.3 per cent; however, it had a share of industry value add of only 5.7 per cent which is very disappointing. It goes on.

When you look at the economic contribution by state and territory, you can see with data how South Australia lags behind the rest of Australia, how South Australia has been lagging behind for some time and how the government, and the state government particularly, is playing catch-up at the moment. It has ignored the live music industry for far too long.

Let me not just talk about this; I will back it up with some facts. They have an economic contribution study by state and territory where they compare the output by state and territory between 2008 and 2012 and, notably, although the Northern Territory had the largest gain in output in terms of percentage—obviously this is from a lower starting point in 2008—I note that Tasmania and Queensland also had very strong results with real growth of 20.3 per cent and 20.9 per cent respectively. This would be mainly driven by an increase in the number of performances in those states. However, at the other end of the scale, in South Australia output declined by 11.5 per cent.

When you look at the live performance industry output by state and territory combined and comparing 2008 to 2012, New South Wales in 2008 had an output of approximately $810 million to $829 million in 2012, so it has gone up by 2.3 per cent. Victoria have done a lot of good things in the past and that is why perhaps they have not got the aggressive growth that you would expect in other states, but in 2008 it was $599 million and in 2012 it was $596 million, so it has basically gone backwards by only half a per cent. Regarding Queensland, in 2008 you had $263.4 million to $318.5 in 2012, an increase solid change of 20.9 per cent. In Western Australia, $224.2 million in 2008 to $232.2 million in 2012, so a change of 3.6 per cent.

However, in South Australia, it is very disappointing. Numbers do not lie. Of all the things that may do, numbers do not lie. In 2008 our live performance industry output in South Australia, according to these figures, was $151.2 million. Compare that to 2012: in 2012 South Australia had a live performance industry output of $133.7 million. That is a change of 11.5 per cent, so we have gone backwards in South Australia from 2008 to 2012.

You might ask (I can read your mind, Deputy Speaker): why is that the case? One of the reasons—and I will touch on the various submissions that have been made to the government on this bill—and one of the recurring themes is that the government has failed to address issues that are stifling the industry for far too long. It has done this on an array of fronts.

That is very disappointing because we all know that a good, healthy live music scene is certainly key to vibrancy in any city. It is especially attractive to young people but also to older people. We have been doing everything we can in South Australia to address the exodus of young people, young professionals especially, who are the brains trust of South Australia: they are our future; they are the ones who have the potential to earn for many years to come, to sustain what is becoming an ageing population.

Therefore, we are called upon and implored to do whatever we can to engage in strategies to put laws forward to make sure that we send a strong message that we want to have a vibrant state but especially a city. It is not just the city. I read that the council area that I was once a part of as a councillor (the Norwood Payneham and St Peters council) has the highest level of live music venues after the City of Adelaide. It is not just in the city, it is also in the inner suburban areas of the city as well.

The Liquor Licensing (Entertainment on Licensed Premises) Amendment Bill 2015 will be supported by the opposition on this side of the chamber. It has been welcomed by many organisations and the first one that I would like to talk about today is the Australian Hotels Association of South Australia (AHA). Obviously, the AHA has welcomed the government's intention to remove the requirement for separate entertainment consent for licensed premises that wish to provide entertainment before 11am and midnight. The AHA welcomes that and fully supports it.

In fact it is no surprise that the AHA thinks that it does not go far enough. Perhaps we will talk about what the AHA would like another day but I think they agree that this is certainly a good start and something that has been a long time coming. They point out, and we agree, that licensed venues are critical to the success and development of the live music industry.

Where do live music artists practice, if you like? Through hotels, through pubs, through clubs, through taverns, through nightclubs. These are by far the overwhelming majority of venues that host live music. It is said that more than 76 per cent of all APRA AMCOS receipts from live music expenditure actually come from these licensed premises.

They talk about the specific entertainment consent requirement and how this has been a major complaint of the AHA, South Australian members, for many a time. I can also say that I have spoken to local publicans in my electorate and also neighbouring electorates who agree with that. I think it is a no-brainer that, when you go interstate, especially on the east coast of Australia, one of the first things you realise when you go into the city is how the live music industry has been liberated. It is a beautiful thing to see many more live music ventures going on.

The requirement for this specific entertainment consent has been a major complaint of the AHA for some time. It has been raised time and time again. Some actually say that it is the single biggest barrier currently facing venues that want to include live music or other entertainment as part of their overall offering.

As I pointed out, ideally, the AHA would like to see the removal of the need for entertainment consent altogether; however, that is not what has been brought forward to the house today. Perhaps it will be a future discussion point for stakeholders to engage in, but I think what we are talking about today is a good start. I think those who reside near licensed premises, from my experience as a councillor and now a member of parliament, would be the ones who would have the most to say about that.

The AHA has pointed out that amenity is important. Obviously, everyone has the right to enjoy a quiet amenity, especially in the vicinity of their residential area. There are obviously a number of pressure points, both in the city and outside of the city, and there is potential, if we are not careful, for conflict amongst residents and venues who provide entertainment. I think in any one of these bills we have to strike a fine line between regulation and vibrancy because, as I pointed out, this is an enormous economic area. Sometimes people do not realise how big it is, but talk to any young musician who is trying to make it out there in the world. I think we need to do everything we can to try to help them out, given that the state is going backwards and our unemployment rate is now the highest in Australia. As lawmakers, we need to do what we can to not stifle job growth and development.

The AHA also talks about how this amendment, if it is passed—and I am sure it will be passed in a short time and quite expeditiously—will have time to prove itself. Depending on how this amendment goes and how the community reacts to it outside of this place, I think we might be able to look at the other issues that the AHA has with entertainment consent.

Obviously, as the AHA points out, residents and other stakeholders or people affected will also retain their rights through local council and planning requirements. I have also spoken to staff at local councils in my electorate and I have to say that, on the whole, on balance, they are generally

comfortable with these amendments. We cannot underestimate how large the role of live music and entertainment is, not only in providing an active night-time economy but also, as I said, a vibrant city. It does serve as a critical employment and business point of opportunity. Look at Rundle Street and Hindley Street and also, as I said, areas just outside of the city. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before we adjourn, I would like to acknowledge the presence in the gallery today of a group of students and their adult carers from the Hackham East Primary School, who are guests of the member for Reynell. Hello. It is wonderful to have you here. Are you staying for question time today? You are? So you will see another whole different side of the house when you come back. We look forward to seeing you after lunch.

Sitting suspended from 12:59 to 14:00.

Petitions

COOBER PEDY DISTRICT COUNCIL

Mr HUGHES (Giles): Presented a petition signed by 157 residents of South Australia requesting the house to urge the government to support an investigation into the current practices of the District Council of Coober Pedy as they particularly relate to governance issues, with a view to appointing an administrator to act on our behalf.

Parliamentary Procedure

ANSWERS TABLED

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

Ministerial Statement

GILLMAN LAND SALE

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Today, Commissioner Bruce Lander has released his report into the Gillman land sale. I welcome the report. I repeat that the purpose of the Gillman land sale—and the only purpose of the Gillman land sale—is the creation of jobs. The Gillman land sale is about creating an industrial park that will include potential opportunities for a mining services hub. Today's report is the fourth into the Gillman land sale, following a Supreme Court case, an appeal to the Full Court and an Auditor-General's inquiry. Each of these processes has not concluded anything other than that the transaction was entered into for entirely proper purposes.

Commissioner Lander's report does, however, repeat a number of the criticisms of the processes that were made by the Auditor-General and the Supreme Court. He also notes that, in the 22 months following the execution of the deed, the government and the URA have made a number of significant changes which address many of the issues raised in the report. One of these changes is the creation of a Coordinator-General's role. Mr Jim Hallion now assesses unsolicited bids through a new process. This process includes a committee of chief executives making recommendations to government. The report also makes a further recommendation regarding governance of the URA, which we will consider.

The report does, however, identify a further issue. The issue is the language used by minister Tom Koutsantonis.

Members interjecting:

The Hon. J.W. WEATHERILL: The report finds that minister Koutsantonis used inappropriate language in some of his meetings with public servants. I note that the commissioner makes clear that this language did not affect in any way the advice we received. The role of the minister carries with it important obligations to behave in a manner which befits high office. I am disappointed by these findings.

Today I have made it clear to minister Koutsantonis that this behaviour falls below the standards of conduct I expect from my ministers. I expect my ministers and staff to vigorously pursue government policy. Minister Koutsantonis has committed himself to reflect on this conduct, to make a public apology and to take steps to ensure that proper standards are upheld. I am confident that he will reflect on these findings and recommit himself to the obligations of the office of minister and to the standards of conduct that I expect from my cabinet.

The SPEAKER: The Premier should have referred throughout to the Treasurer. I call to order the members for Hartley, Morphett, Morialta, Kavel, Schubert and Finniss and I call to order the leader and the deputy leader for disorderly conduct during that ministerial statement. I warn for the first time the members for Morphett and Morialta, whose reflections on the word 'chutzpah' we didn't need.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:05): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. J.R. RAU: On 22 January 2015, the Independent Commissioner Against Corruption issued a public statement which announced that the commissioner would investigate the sale of state-owned land at Gillman. The commissioner published his report into this matter earlier today. The commissioner's report made certain findings in relation to the Urban Renewal Authority, trading as Renewal SA. Those findings can be summarised as follows:

- Renewal SA engaged in maladministration in public administration, in that its practices resulted in a substantial mismanagement of public resources.
- The former chief executive of Renewal SA engaged in maladministration in public administration, in that his conduct resulted in a substantial mismanagement of public resources, and secondly, he engaged in conduct that involved mismanagement or in relation to the performance of official functions.
- An employee of Renewal SA, Mr Buchan, also engaged in conduct that constitutes maladministration in public administration, in that his conduct resulted in substantial mismanagement or in relation to the performance of official functions.
- The actions taken by Renewal SA and the government to address issues arising out of the Gillman transaction are appropriate.

The commissioner's report makes clear that there have been a number of significant changes in Renewal SA since 2013. These changes address most of the issues raised in this report.

I was appointed Minister for Housing and Urban Development following the state election in March 2014. In May 2014, it was determined that Mr Hansen would not continue as the chief executive of Renewal SA. His role formally ceased on 30 June 2014. Mr Hansen was replaced, ultimately, by Mr John Hanlon in July 2014.

Following his appointment, the new chief executive initiated a review of the structure of the executive team within Renewal SA. The new structure was announced on 19 September 2014. The executive team was reduced from 11 to five. In February of this year, management and the board of Renewal SA met together for a planning session. This focused on organisational governance, financial performance and key business priorities for this year.

Renewal SA has reviewed the Board of Management Policy, Renewal SA Charter and the delegation framework to take into account issues that have arisen from the Auditor-General's Report

and the judgement of Justice Blue. I am advised that the Board of Management Policy and charter are currently with the Crown Solicitor's Office for legal review.

Delegations have been revised and approved by the Renewal SA Board of Management. The chief executive no longer provides out-of-session decision papers to the board. It is expected that further revisions will be recommended as a result of the broader Renewal SA governance review.

In September 2014, cabinet approved a mandatory process and framework for the assessment of unsolicited proposals to government. Renewal SA and the Crown Solicitor's Office have been working to ensure that its land disposal framework aligns with whole-of-government policy positions. Renewal SA no longer allows off-market transactions without a current market valuation of the site in question.

The commissioner recommends that Renewal SA consider proposing amendments to relevant legislation and regulations in order to clarify the reporting relationship, reporting requirements and decision-making responsibility as between the chief executive of Renewal SA, the board of management of Renewal SA and the relevant minister.

I note that the commissioner has made a finding of maladministration relating to the conduct of a current employee of Renewal SA. The matter of staffing within a government agency is a matter for that agency's chief executive. Earlier today, I wrote to the chief executive directing him to the passages in the report relevant to Renewal SA. I asked him to seek the advice of both the Commissioner for Public Sector Employment and the Crown Solicitor in giving his full attention to these matters as soon as possible.

I also note the comments at page 47 of the commissioner's annual report published yesterday and, in particular, his expressed concern that his reports cannot deal with matters arising directly from the discharge of his core functions. I intend to meet with the commissioner in the near future to obtain a clearer understanding of his concerns.

MINISTER'S REMARKS

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:10): I seek leave to make a ministerial statement.

The SPEAKER: Before the Treasurer seeks leave, I warn the deputy leader for the second and final time for an interjection during the Deputy Premier's ministerial statement. The Treasurer seeks leave to make a ministerial statement. Is leave granted?

Leave granted.

The Hon. A. KOUTSANTONIS: Commissioner Lander has thoroughly investigated the sale of the state-owned land at Gillman using his powers as a royal commissioner. I welcome the commissioner's report and the clarity it provides on the issue. I would like to address a number of references the commissioner made regarding the language I have used during meetings with the Public Service.

It is well known that I am a driven, passionate and outspoken member of parliament. I approach issues within my portfolios with great vigour and enthusiasm. I believe the public rightly deserves results from their elected representatives. In turn, ministers expect results from their agencies and the ones that report to them. As part of this process, I look to my public servants for frank and fearless advice.

My meetings are a forum in which public servants are encouraged to speak up, debate and have their say. I might not always like what I hear, but that is one of the reasons I greatly respect the public servants I work with. I acknowledge I have used inappropriate language within those meetings. I also recognise that a power imbalance exists between ministers and members of the public sector. Regardless of my intent, I must acknowledge the use of conversational swearing may be misinterpreted. For that, I sincerely apologise. I have spoken with the Premier—

Members interjecting:

The SPEAKER: I call to order the member for Newland. I also call to order the members for Goyder and Stuart, who appeared to be telling the house by way of interjection that they have never used conversational swearing. Treasurer.

The Hon. A. KOUTSANTONIS: I have spoken with the Premier about the behaviour referenced in the commissioner's report, and he has made it clear that he expects a higher standard of me. I agree. It is an expectation I will meet.

Dr McFetridge interjecting:

The SPEAKER: The member for Morphett is warned for the second and final time.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Education and Child Development (Hon. S.E. Close)—

Animal Welfare Advisory Committee—Annual Report 2014-15

VISITORS

The SPEAKER: I welcome to parliament the Playford Alive Community Reference Group, who are guests of the member for Napier.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Ms DIGANCE (Elder) (14:14): I bring up the 14th report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

MINISTER'S REMARKS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): My question is to the Premier. Given the Independent Commissioner Against Corruption's report tabled today, which revealed evidence of the Treasurer using foul language and a bullying and intimidating manner, can the Premier inform the house if he believes that this is acceptable behaviour from a minister of the Crown?

The Hon. T.R. Kenyon interjecting:

The SPEAKER: The member for Newland is warned.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:15): Thank you, Mr Speaker, and thank you for this important question. I begin by, I think, clarifying two things here.

Dr McFetridge: By resigning, mate—resigning.

The SPEAKER: The member for Morphett will withdraw from the house for the remainder of question time under the sessional order.

Dr McFetridge: You're a disgrace, mate, a bloody disgrace.

The honourable member for Morphett having withdrawn from the chamber:

The Hon. J.W. WEATHERILL: Well, what an absurdity—somebody swears as they are on the way out to complain about swearing. Can I just say that the first thing to say about this is that this is a matter of some gravity. I think it is an important matter. One of the things that I have sought to do since assuming this role is to try and lift standards of civility in discourse. I think in this chamber it has improved; I think it has improved. I think the things that have been revealed today in this report are below the standards that we have all set for ourselves, and I think the minister has acknowledged that.

It is important for the reasons he mentioned that we do uphold these standards. The fact that his language wasn't intended in any way to create a negative environment for those around him has to be seen in the context, as he rightly says, of the power imbalance that exists between ministers and public servants, and it isn't appropriate that this language be used. We also need, I think, to acknowledge that from time to time people do swear. I don't think it's desirable; I think it's highly undesirable.

I remember once on an occasion, in a conference with the member for Heysen, slipping a swear word into the conversation—

Members interjecting:

The Hon. J.W. WEATHERILL: —and she immediately corrected me and said that it was unacceptable and that it was something that she wasn't prepared to put up with inside her caucus, and I reflected on that. I think it was a standard—it was a high standard, but one that I think is an appropriate one.

I think there are certain risks when ministers, even if they think they are doing it to create some familiarity or to reduce tension in the room, if they use swearing it can create the sort of environment we don't want to have in our interactions with the Public Service, and the minister acknowledges that. He acknowledges that and that is why he has made a public apology.

It is not true to say, as the member implied in his question, that there are findings of bullying and intimidation of public servants. That was specifically not found here. It would have been a very different matter if it had been found, but it was not found here, so the record needs to be corrected to that extent. But these are the standards I insist upon. To the extent this has become part of the practice at least of some ministerial officers, all of us need to reflect on our standards of conduct, and this is a standard that I intend to enforce.

The SPEAKER: I call to order the members for MacKillop, Adelaide, Chaffey, Mount Gambier and Unley. I warn the member for Stuart, and I warn the member for Morialta for the second and final time.

Mr WILLIAMS: Excuse me, sir, why have I—

The SPEAKER: You were interjecting.

Mr WILLIAMS: Sir, I have not—

The SPEAKER: In fact, you're top of the list.

Mr WILLIAMS: I have not said a word.

The SPEAKER: Oh, yes, you have. The leader.

MINISTER'S REMARKS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): My question is to the Premier. What remedy does the Premier suggest for the Treasurer's behaviour? Can he provide further clarity to his statement made to the house earlier today, when he said that he is going to ask the Treasurer to reflect on his conduct? What constitutes that reflection on the conduct, and how will the Premier be satisfied that the Treasurer has taken steps to ensure proper standards are upheld?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:19): I had a lengthy conversation with the Treasurer as soon as I had access to the report today, and we discussed its implications. We discussed its implications in all of the senses that I have just mentioned: the effect that this can have on the public servants in the environment that it's created; the risks, frankly, that it poses to the minister in these circumstances where criticisms can be made of his conduct; and, frankly, the way in which this reflects on the government and, indeed, all members of parliament.

I think the profession of public service is the highest calling, and if we are to persuade the rest of the community that this is a high calling and that people of merit should be attracted to it, then we need to uphold the dignity of the office, and he accepts that. So, in answer to your question, I had to satisfy myself that he understood that, and I do believe he does understand. I had to satisfy myself that he was prepared to make a public apology, and he offered that freely without me insisting upon

it. You have seen his public statement, and he has had to endure the public opprobrium of having these matters, which are uncomfortable matters, spoken about publicly and him being criticised publicly, all of which is unpleasant but necessary.

MINISTER'S REMARKS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): Is the Premier satisfied with the Treasurer's apology?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:21): Yes, I am. I am satisfied with his apology, with the insight that he has demonstrated to me in relation to his conduct and the way in which he has conducted himself publicly since the revelation of these matters. I am satisfied with his explanation and his apology, and he retains my confidence.

Mr Treloar interjecting:

The SPEAKER: The member for Flinders is called to order. Leader.

MINISTER'S REMARKS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): My question is to the Premier: when did the Premier first become aware of this type of behaviour being used by one of his most senior ministers?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:22): During the report that was handed down, which contained the findings that are the subject of this present discussion—were published to us I think at about 9 this morning; I was able to read them at around about 9.30am and form a view about them at that stage. During the course of the evidence that I gave to the Ombudsman, certain matters were put to me, but they weren't matters that were put to me which necessarily were matters that were ultimately matters that were found by the royal commissioner in exercising his powers as a royal commissioner. So I've had, during the course of my evidence, some notice that there would be criticisms of the Treasurer's conduct, but it wasn't until this morning that I was able to access the precise details of that criticism.

MINISTER'S REMARKS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:23): Just to clarify that: the Premier is suggesting to this parliament that he wasn't aware of the Treasurer's behaviour before he read the contents of Commissioner Lander's report which went online this morning?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:23): Perhaps to take you back, there has certainly never been any complaint concerning the Treasurer's behaviour that has been given to me prior to these Ombudsman proceedings, and in relation to the Ombudsman proceedings—

Members interjecting:

The Hon. J.W. WEATHERILL: Prior to the Ombudsman's proceedings there has been no suggestion of any complaint of the matters that were the subject of the findings by the Ombudsman—never. During the course of the Ombudsman's proceedings, I gave evidence and certain matters were put to me in evidence, but the actual findings that were made, the first time I have seen them was this morning at about 9.30am.

The SPEAKER: I call to order the members for Davenport and Mitchell. Leader.

MINISTER'S REMARKS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:24): My question is to the Premier: has the Premier ever witnessed the Treasurer using foul language?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:24): Oh, I'm sure I have, probably directed at me in private. I can't remember when, but it's pretty routine, really, but only when we've been alone and never in front of other public servants. I've never witnessed him swearing in front of other public servants.

Mr van Holst Pellekaan interjecting:

The SPEAKER: The member for Stuart by way of interjection sets a very high bar for himself.

Mr VAN HOLST PELLEKAAN: Well, Mr Speaker, I think that the specific word that's been reported could never be considered 'conversational language', as the Treasurer has said, and I'd be very happy to set that high bar.

The SPEAKER: Thank you for your response, member for Stuart. We'll hold you to it. The leader.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:25): My question is to the Premier. Given the findings of Commissioner Lander's report, does the Premier stand by his comments that the Gillman land deal followed proper processes?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:25): Well, I stand by the proposition that the Gillman land deal is a good deal for the people of South Australia. There have been criticisms of the process—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. J.W. WEATHERILL: There have been criticisms of the process that have been made by both the Supreme Court and the Ombudsman. A number of the criticisms of the process were about matters that I was unaware of and have now been the subject of findings. So, certainly there can be no denying that there are substantial criticisms of the process, but I certainly stand by the proposition that this is a good deal for the people of South Australia. And just to remind you, we had 400 hectares of land lying there at Gillman that's been lying idle for 30 years. The only people that seemed to have any ideas to do anything about it was to actually dump some waste on it. What we have here is a proposition about turning it into employment lands—and I might remind the house that employment is an issue at the moment in relation to South Australia.

A couple of young entrepreneurs, who matched up with a very experienced entrepreneur in the mining and resources sector, came to us with a proposition for them to raise hundreds of millions of dollars of their own money to actually lift this idle swampland into employment lands and to pay us—pay us—to do it. We're going to look very closely at such a proposition every day of the week. There's nothing that I've seen in this report that leads me to the conclusion that we did not get good value for money for this land—nothing in this report leads me to that conclusion. Indeed, the commissioner himself makes the finding that he cannot reach a view about that—he cannot reach a view about that.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, he had plenty of evidence before him. Don't worry, he didn't hesitate about making negative findings about the government. If he could have reached a view about that, if he was driven to that conclusion, I don't think he would have hesitated from making that conclusion, but he didn't. Neither did he say, and nor could he say, that this agreement was entered into for anything other than the purpose we've always said it was for, and that is to create employment in South Australia and to take advantage of some of the great opportunities that exist in front of us in our state. So I certainly stand by this proposition. Frankly, with all that's gone on it's going to make it very hard for this proposition to succeed—very hard indeed. I hope that it does succeed, but with all of the attacks—

Members interjecting:

The Hon. J.W. WEATHERILL: Well, with all of the attacks that have been made on this—I have said this consistently for months—this proposition will become even more difficult to be successful. If it is unsuccessful and it's lying there for the next 30 years it will be a monument, it will be a magnificent monument to the Liberal Party of South Australia.

The SPEAKER: Before the leader asks his next question, I warn for the first time the members for Mount Gambier, Adelaide, Hartley and Kavel. Leader.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): Given the Premier's answer to the last question, does the Premier now concede to this parliament that his government did not follow proper processes with regard to the sale of the Gillman land?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:29): I do welcome the findings of the Ombudsman's report and acknowledge that he has pointed out some significant deficiencies, as did the Auditor-General and indeed the Supreme Court in their findings, and they're very consistent; they're similar sorts of criticisms. I do accept that there were those deficiencies because we have acted to remedy them. But let's be—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, from our perspective they were. From the things that we were told they were; and, indeed, if you read the report carefully you will see that we were assured that they were followed, and in fact we now know—

Mr Marshall: Have you read the report?

The Hon. J.W. WEATHERILL: —yes, I have—through the courtesy of the Ombudsman's report that certain things that we were assured about did not in fact happen. But nevertheless, even taking those criticisms at their highest—take for example the whole question of valuation: of 400 hectares, 300 hectares of the land itself was valued properly, albeit in 2010. The criticism is that it was not a current valuation. Now, there is no—

Members interjecting:

The Hon. J.W. WEATHERILL: But wait for a moment. The—

Mr Marshall: You said nobody was interested in it. It's a very large section of that.

The Hon. J.W. WEATHERILL: We are talking about the Dean Rifle Range and the fact that it was subject to a compulsory acquisition from the Adelaide City Council, and, for the purposes of that, there was a valuation. So, 300 of 400 hectares of land was valued and there is every reason to believe that the last 100 that was not valued was of lower value. And of the 300 hectares that was valued, I think it was something less than $10 a square metre. We are talking here about $30 a square metre, and there is nothing to suggest the market conditions have improved since 2010. If anything—

Mr Marshall: Oh, come on! You had multiple works done in—

The SPEAKER: I warn the leader.

The Hon. J.W. WEATHERILL: —most of the best evidence is that it probably worsened. But notwithstanding that a current market valuation would have been prudent, also I remind the house that it was never the motivation of the government to maximise the sale price for the land. That wasn't the motivation. The motivation was the creation of employment lands. It was a bonus that we got good value for the land, but it was not an objective. So I know a lot of attention has been focused on the value of the land but it wasn't our intention. The only way of actually knowing the true value of the land was to go out to market.

Members interjecting:

The Hon. J.W. WEATHERILL: And the reason we did not do that is because the proponents said they would not participate in the transaction. Now we were not prepared—

Ms Chapman: Big deal!

The SPEAKER: The deputy leader is on two warnings.

The Hon. J.W. WEATHERILL: We were not prepared to potentially lose this opportunity for the state on that basis, and the full Supreme Court said that was a legitimate matter for the government to take into account as a matter of policy. Now, in this state, given the challenges we face in terms of employment, we are going to have do a few new things in a few new ways.

We are going to have to take risks, to try on some activities to actually get the level of growth that we need to embark on the transformation of our economy. I am not prepared for one to just quietly sleepwalk into the future as those opposite would have us do. I want to take control of our own future. We are going to back in young entrepreneurs who come to us with great ideas about South Australia's future.

Members interjecting:

The SPEAKER: The members for Adelaide, Unley, Mount Gambier and Hartley are warned for the second and the final time, and the member for Davenport is warned. Leader.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): My question is to the Premier. Does the Premier stand by his comments on the Gillman deal that he would still 'make it again every day of the week'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:33): Well, I think I just said that. Yes.

The SPEAKER: Leader.

MINISTER'S REMARKS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): My question is to the Minister for the Public Sector in South Australia. Can the minister explain whether she finds the language used by the Treasurer to be acceptable?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:33): I do not think I have anything more to add than both the Premier and the Treasurer have already articulated very clearly—the language is regarded as unacceptable by both. An apology has been made and a commitment to not using that again in that kind of environment.

MINISTER'S REMARKS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): Supplementary, sir: is the minister satisfied, or does she believe that the public servants in South Australia will be satisfied with the minister's apology?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:34): Although I am the Minister for the Public Sector, I would hesitate to speak on behalf of all public servants. However, I would regard that what has occurred today as being entirely satisfactory in terms of an issue being recognised, addressed and apologised for.

MINISTER'S REMARKS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:34): As the minister responsible for the public sector, has the minister ever been informed of any previous similar complaints regarding the Treasurer for bullying, intimidation or foul language?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:34): No, I have not and I do not believe that some of the terms you have used are at play in this case either.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ANNUAL REPORT 2014-15

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:34): My question is to the Premier. Is the Premier concerned that the survey results of over 7,000 public servants reported in the ICAC annual report revealed that one in four of the respondents were reluctant to report corruption, misconduct or maladministration in their organisation, particularly as the most cited concern for not doing so was personal repercussions and their job?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:35): Yes, that is of concern. We do not want any public servant to be fearful of making a proper report about a matter for fear of

repercussion. I think that is the reason that we established the Independent Commissioner Against Corruption, it is the reason that we have strong whistleblower laws that give people protection, and it is the reason why we support strong trade unions to represent their workers in these workplaces to make sure that they have adequate protection.

We take seriously the cleanliness and integrity of our Public Service. We do want complaints to be made. There certainly is strong evidence that many public servants are availing themselves of that opportunity through the complaints that have been made already to the Office for Public Integrity, and we have fully resourced that. If any additional resources are necessary we will provide them so that any allegations of corruption or misbehaviour are properly dealt with.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ANNUAL REPORT 2014-15

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:36): Supplementary: if the Premier is so concerned, what action has he taken to reassure public servants, such as implementing the recommendations of reform to protect public servants as was outlined in Commissioner Lander's report on the Whistleblowers Protection Act review tabled in this parliament on 30 October last year and the Ombudsman's review of the Freedom of Information Act which also disclosed intimidatory interference with freedom of information applications? What action has he taken in relation to that? Given that none of those recommendations—

The SPEAKER: I think we have the idea.

Ms CHAPMAN: —have been implemented, will he instruct the Attorney-General to get on with the job?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:37): I have some positive news for the Deputy Leader of the Opposition. What has transpired is that, as she rightly says, there was a report into the whistleblowers legislation. If I remember correctly, that was a report that the government, through me, actually requested of the commissioner because we ascertained in advance of the commission even being established that the whistleblowers legislation was something that was quite antiquated in this state and required review, and it was a necessary element of the many factors in the public integrity policy agenda that this government has been pursuing that whistleblower legislation be revisited and be looked at afresh.

Quite rightly, the deputy leader points out that we received a report from the independent commissioner in respect of that. His report went further, in fact, than simply addressing matters relating to the whistleblowers act. He canvassed a number of other matters which were beyond the initial contemplation of that report—welcome matters, I might add. That was running at the same time as the Ombudsman was conducting a review into the Freedom of Information Act, which itself provided certain recommendations, although I do not remember the one that was quoted specifically by the deputy leader a little while ago because it did not represent exactly what was said, but never mind.

All of those matters are under consideration and, indeed, it is my intention to finalise those matters in conversations with the commissioner in the near future. There are other matters as well which have been worked upon by the commissioner and by me which are also needing to be resolved before we open up that legislation again because it is not prudent to be opening the legislation every five minutes. We are waiting until we have a comprehensive group of reforms for the legislation.

I will share this with the parliament because people may be interested. The question of the precise relationship between the reviewing authority of the ICAC is perhaps presently in the minds of members because of the report from former justice Kevin Duggan which was tabled in the parliament, I believe, yesterday. There are recommendations that have come from Mr Duggan about the way in which the relationship between the role he presently performs and the OPI and ICAC legislation should be finetuned as well.

I can tell members that I have had meetings with Mr Duggan and with the commissioner with a view to actually finding common agreement about in exactly what fashion those reporting responsibilities can be discharged and also, incidentally, the method by which members of the public,

who may consider themselves to be aggrieved by something that is going on within OPI or within ICAC, might be able to approach that independent reviewer with a view to them receiving some sort of redress.

So, there is a very broad range of quite complex issues. All of them are being discussed. I want to be in a position where we have resolution of those as soon as possible. Obviously, the annual report of the commissioner, which was also tabled yesterday, on page 47 contained a reference to other matters of concern to the commissioner, as I alluded to in my ministerial statement, and I intend to deal with them as well.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ANNUAL REPORT 2014-15

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:41): Supplementary to the Attorney: given that he has said these matters were under consideration after the report was tabled on freedom of information in June of last year and repeats that again today, why hasn't he acted at least to implement the reform to impose the offences when there has been ministerial interference with freedom of information officers, which was specifically recommended by the Ombudsman in his May report tabled in June of last year?

The SPEAKER: One trusts the interference wasn't recommended. Minister.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:42): We are jumping into the TARDIS and going back 12 months with this question because this was the subject of many questions last year and in each one of those questions last year, as in the two questions we've just had today, there was a subtle but significant misrepresentation of the proposition contained in the report by the asker of the question (in all cases the same person). We pursued this matter back then, and I told the parliament about this.

If the honourable deputy leader wants to flick through *Hansard* at some point and examine some of the things I've had to say she would realise that we did examine this a while ago, we did pursue it with a view to ascertain whether or not there was a specific instance of interference (so-called) to which the author of that report was directing our attention and the answer was: there was not. There is in fact, as far as I am aware, no evidence that has been drawn to my attention of specific instances where ministerial staff have been responsible for manipulating or in any way unduly influencing the activities of an FOI officer, statutory functions, which are theirs and theirs alone under the act.

Now that I am in my stride in some respects on this topic, more of what I said to the parliament last year is coming back to me. I made this point last year as well: there are times when an FOI officer, quite properly and necessarily, will have to speak to ministerial staff and those times are the times where, for example, a document appears to have no context and it is necessary for the FOI officer to understand the context of the document in order for them to be able to discharge their statutory function, which is to ascertain whether that document comes within class A or class B, or whatever it is, under the FOI Act.

So, the notion—if this is the notion underpinning this—that there is no valid reason why communications should exist between ministerial staff and an FOI officer properly discharging their function is false. That is a false notion. There are perfectly legitimate reasons why that should and must occasionally occur and does occur, but that is light-years away from the proposition that there was evidence of a particular instance in which ministerial staff inappropriately have engaged with FOI officers discharging their functions for the purpose of in some way attempting to stop them from what they are obliged to do at law.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ANNUAL REPORT 2014-15

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:45): A further supplementary: the Attorney-General's position is that unless he receives a specific complaint, and yesterday's ICAC report makes absolutely clear one in four are too scared to make a report, he is not going to progress the recommendation to impose a criminal offence and sanction on those who either interfere with or attempt to interfere with FOI processes.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:45): I did not say anything of the sort and I do not say anything of the sort. I was attempting to answer the earlier question, which unhelpfully contained additional material which was not contained in the original source document.

What I am trying to say is that we are looking at all of those things. I am not ruling out the notion that there might be, if there is a demonstrated need for it, the inclusion of some offence. I do make the point that one should not, as a matter of good public policy, legislate to create criminal offences in circumstances where there is no evidence that the offending behaviour is occurring. I continue to have an open mind about this.

We will continue to work these things through, but let's be very plain about this. At the time, we did make inquiries because we wanted to know, if it was going on, where it was going on and what we could do to stop it immediately, not just by legislating but also by all of the executive arm of government providing very clear instructions, which were also provided on a whole range of other issues arising from that report, if my memory serves me correctly. The point is that I am not ruling anything out, but we are looking at all of these issues.

Whilst we are on whistleblowers, can I just make this point, too, because it is an important point. The whistleblowers legislation predates the ICAC legislation by decades. The whistleblowers legislation is, in one form or another, extant in all of the other Australian jurisdictions and has been reviewed in those jurisdictions from time to time.

There is quite a degree of diversity around the country as to what whistleblowers legislation looks like, though there is the central core concept which is repeated. No other state has the equivalent of the Office for Public Integrity—a place to which you can go anonymously, make a report anonymously and have that report vetted and examined anonymously, without necessarily having to formally engage the provisions of the whistleblowers act.

So, whilst I accept and agree that a review of the Whistleblowers Act is important and is something we are doing, lest anybody be mistaken about what the consequences of us not having done that completed yet might be, let's bear in mind that, since the Office for Public Integrity has been open, anybody with a complaint about maladministration, corruption or any of those other matters mentioned can just get in touch with OPI. They are completely protected and anonymous in respect of that, without having to necessarily engage the whistleblowers legislation.

Just so it is clear, that does not mean we do not have to look at the whistleblowers legislation, but I am saying that they do have another alternative which does not exist in any other state in the commonwealth.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ANNUAL REPORT 2014-15

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:49): I have a further question to the Attorney-General, if I may, sir. When did the Attorney receive advice from the ICAC commissioner recommending that lobbyists be considered public officers for the purposes of the ICAC Act?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:49): The exact date, I am not able to say with any absolute certainty, but it would be some months back. I, from time to time, meet with the commissioner because it is appropriate, under that legislation, for the attorney-general of the day and the commissioner to meet from time to time to discuss matters that might be of interest to one or other or both of them.

It was in the context of one of those meetings that I indicated to the commissioner, as a matter of courtesy, that the government, as part and parcel of our ongoing public integrity agenda, was looking at introducing a number of different measures into the parliament. Some of those measures, I indicated to him, would include an attempt to make more transparent the remuneration of members of parliament. Other parts of those things would involve attempting to make more

transparent the decisions by the planning minister of the day to change the boundary of the urban zone of the city without recourse to some publicly exposed conversation.

I said we also intended, as a public integrity measure, to have a more formal and transparent arrangement with respect to lobbyists. I provided him, if I recall correctly, with information about the fact that we were so doing. I think, at that stage, I might have even provided him, on a for-comment basis, with a draft bill and invited him to consider whether there was anything he thought we might usefully add to that legislation or that bill.

In that context, if I remember correctly, the conversation turned to the question as to whether lobbyists would necessarily be captured by the legislation as it presently stood. I asked the question of the commissioner that, given the fact that a lobbyist by definition is a person whose business it is to communicate with a public official, who by definition is a person who is capable of being overseen by the ICAC commissioner, then it should be the case that most of those transactions would be collected. I asked him to reflect on that.

He did reflect on that, and he said to me that he thought there might be some circumstances where that was not a complete cover of the field and that, in any event, from a public integrity point of view, there may be merit in considering them being a stand-alone proposition as being within the jurisdiction of the commission to investigate per se. That was a matter that, as I recall, unfolded in that fashion, and my intention is that we will go ahead and do that.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ANNUAL REPORT 2014-15

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52): Supplementary to the Attorney: why, then, weren't any reports or recommendations of the ICAC commissioner made available during the debates that we have just had in passing the Lobbyists Bill, which had no reference whatsoever to this recommendation which the ICAC commissioner has again referred to and repeated in his annual report?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:52): The reason is that this particular piece of work and another piece of work that I have been doing in conversation with other members of parliament, relating to the clarification of matters arising from the statement of principles, have been travelling in tandem, and continue to travel in tandem, and will result in legislation very shortly. It is being worked on now. They are sitting in the next wave, if you like, of legislation which will touch on this.

It is going to be something in the nature of a miscellaneous amendment bill, which will deal with the matter which I know the deputy leader and certainly others in another place have raised with me about the exact parameters of the statement of principles and exactly what, if anything, that does mean in terms of a modification of the rules presently embodied in one of those large green volumes, and the clarification of that matter. They are moving along together.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ANNUAL REPORT 2014-15

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54): A further question to the Attorney-General: when did the Attorney-General receive the recommendation from the ICAC commissioner that there should be a central record kept of public officers that had been dismissed or had resigned pending investigations or findings of misconduct?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:54): Again, a precise date I can't give you. I have a recollection, and this is not clear, that a matter relating to that was either raised in writing with me or in a conversation I had with the commissioner some months ago. It doesn't take me by surprise so I have seen it or heard it in some form or another before.

Subject to what might be worked up, it makes sense that a person who has been a focus of attention for maladministration and who either exits the system or perhaps doesn't even exit the system but just moves from department A to department B, moves to that department and everyone

is oblivious to the fact that they are acquiring somebody who has some history. On the face of it, that makes sense to me and, like most of the recommendations I have seen, they appear to have merit.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION ANNUAL REPORT 2014-15

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55): Finally, is the Attorney aware of any cases in which there has been a transfer of a public officer from one public authority to another where there has been a dismissal or resignation in those circumstances? If so, what action has he taken?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:55): I don't believe I am personally aware of any particular case. I don't recall having to deal with any particular case of that nature, but it is my recollection that the commissioner alerted me to the possibility of this potentially occurring. I am not able to recall whether that alert to me was made in the context of his having observed it or in the context of his being concerned that, as things presently stood, that was a realistic possibility.

PUBLIC TRANSPORT

The Hon. S.W. KEY (Ashford) (14:56): My question is directed to the Minister for Transport and Infrastructure. What has been the result of recent public transport upgrades and initiatives in the electorate of Ashford, including the showground station and the nearby reopened Millswood station? I should say it is in the electorates of Ashford and Unley.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:57): I thank the member for Ashford for her question and ongoing support of improved public transport services in her electorate. With this year's Royal Adelaide Show, again, thousands of commuters chose to catch upgraded public transport services to avoid traffic congestion and parking. As I have stated previously, following the state government's investment in the showground station, over 110,000 commuters used the facility in its first year of operation with approximately 50,000 during last year's Royal Adelaide Show.

I am pleased to say that this year's Royal Show saw similar popularity with show goers, with almost 2,000 more commuters taking advantage of the upgraded station than during last year's show. In addition, almost 13,000 commuters used shuttle bus services, further reducing local congestion and allowing families to easily travel to and from the show. This continued high level of patronage demonstrates the positive response from the public when public transport facilities are improved.

Similarly, as members are well aware, in October of last year, the state government delivered on our election commitment to reopen the Millswood train station on the Belair line for a 12-month trial. This was the result of a long and committed campaign by local residents (and their parliamentary representative) to return rail services to that part of their local community. It was back in 2009, I am advised, that the member for Ashford attended a public meeting that had been organised by former Unley councillor Mr Les Birch, and the Reopen Millswood Station Group was formally established.

In November of that year, a petition was organised by the newly established group and the petition, with over 300 signatures, was presented to both the member for Ashford and the member for Unley by local campaigners on the steps of Parliament House. In more recent times, local campaigner Mr John Gasper, as well as Mr Birch and Jane Brooks, together with many other Ashford and Unley residents, were delighted to hear from the then transport minister (the member for West Torrens) that the station would be reopened for a trial period. Significant work was put into improving accessibility through ramp modifications and raising the height of the platform to an acceptable standard for modern rail services. New shelters were installed, along with platform furniture, lighting, platform fencing and upgraded passenger information systems.

I had the opportunity to catch the train service to Millswood station together with the member for Ashford to a community celebration marking the reopening, where we had the pleasure of meeting many of these residents. With the completion of the trial, the Department of Planning, Transport and Infrastructure has been able to analyse the patronage at Millswood. Since its reopening, over

15,600 commuters have caught train services from the station. This equates to an average of 1,300 commuters per month taking advantage of the return of services, 20 years after the station was closed by the former Liberal government.

Mad March proved to be the most popular month, with 26 per cent more commuters catching services from Millswood than the monthly average. The importance of running a 12-month trial is to ensure that patronage data is captured across the seasons, in all weather conditions, and that any potential patronage growth can be identified. Patronage in recent months, I am advised, has been markedly higher when compared to the opening months.

These figures are not insignificant as the state government continues its decade-long investment in public transport. I am pleased to report also that, although Belair line remains our smallest passenger rail line, operating on only a single track, thousands of commuters per day rely on it, and following this trial, the state government will keep the Millswood train station open, and will continue to encourage public transport use throughout the local community. I would like to thank the member for Ashford for her commitment to this initiative, and the local residents of her electorate should be incredibly proud at her continuing determination to improve services in her community.

TRANS-PACIFIC PARTNERSHIP AGREEMENT

The Hon. P. CAICA (Colton) (15:01): My question is to the Minister for Investment and Trade. How can South Australia stand to benefit from the Trans-Pacific Partnership Agreement?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (15:01): I thank the member for Colton for his question. Jobs are very important in every electorate. The Trans-Pacific Partnership Agreement provides a broader framework for cooperation in the Pacific region with a view to creating jobs. The agreement covers 12 nations, which comprise 40 per cent of global GDP and 35 per cent of South Australia's total exports.

Currently our largest export markets to the region are the United States of America with $1.6 billion; Malaysia, $682 million; Japan, $502 million; and New Zealand, $436 million. These are all currently covered by existing bilateral free trade agreements but, according to information provided by the commonwealth government, the TPP will broaden and deepen our market access. Of particular importance will be agriculture and food products, currently worth $1.5 billion a year to the TPP region.

Tariff eliminations in beef, dairy, wine and seafood are anticipated to be particularly lucrative for exporters to Japan, the United States, Mexico and Vietnam, amongst others. Arguably the biggest opportunities for our state and job creation lie within the advanced market access for services. There are opportunities that we are currently examining, and we welcome further disclosure from the commonwealth at the appropriate time regarding the TPP.

This morning I met with Export Partnership Program grant recipient and participant in South Australia Business Month in China, the company, Micromet. The company first delivered their commercialised water management technology to Canada, and are now well placed to continue expansion into North America and other markets on the back of the advanced liberalisation of trade in our region.

A recent survey of South Australian exporters conducted by the Department of State Development demonstrated that 85 per cent of exporters intend to enter new markets in the next two years. The same survey indicated very strong interest in the 12 nations represented in the TPP agreement. The South Australian government is willing and capable of supporting international business development under a range of important programs.

The DSD will continue to provide support for new and existing exporters through our TradeStart program, the South East Asia Engagement Strategy and the Export Partnership Program. We will build on these programs by rolling out the North Asia and North Atlantic strategies in the near future to capitalise on the TPP opportunity.

Next week I will be visiting, with others, prospective distributors and investors in Japan and South Korea. The Korea-Australia Free Trade Agreement and Japan-Australia Economic

Partnership Agreement, which entered into force in December and January respectively, offer great opportunities for South Australian businesses prepared to have a go.

I recently wrote to the trade minister, Andrew Robb, to congratulate him on his continuing to serve in this role. I look forward to meeting with him and my interstate colleagues next month at the trade and investment ministers' meeting in Darwin to hear of progress on the Australia-India Comprehensive Economic Cooperation Agreement and the opportunities for further collaboration between the commonwealth and South Australian governments to grow jobs by selling more of our goods and services outside the state.

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is warned. Deputy leader.

HOSPITAL TRANSFERS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:05): My question is for the Minister for Health: will the minister confirm that as a result of the Transforming Health program, patients presenting to Modbury emergency department after hours will have to be transferred to another hospital if they require surgery?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:05): Emergency surgery certainly won't be done at Modbury Hospital, that's for sure. Elective surgery will be done at Modbury Hospital, but emergency surgery won't. So, if you present to Modbury Hospital emergency department and you require emergency surgery then, yes, you will be transferred either to the Lyell McEwin Hospital or to the Royal Adelaide Hospital, I would imagine.

HOSPITAL TRANSFERS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:05): Supplementary: can the Minister for Health confirm that the words of Scott Watkin, the head of surgery at Modbury Hospital, were right when he said that the senior doctors who would be on duty after hours would be 'no better than a first aider'?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:06): No, I don't and, with due respect to that particular doctor, I think it's a ridiculous comment that a senior clinician/consultant surgeon would have no more to do for a patient than someone like me who has done a first-aid course; that's an inherently ridiculous thing to say.

HOSPITAL TRANSFERS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:06): I have a further question to the Minister for Health. Can the Minister for Health tell the house what is the average time for a transfer of patients between Modbury Hospital and the Lyell McEwin?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:06): I don't have those figures, but what I can say is that if the patient was critically ill and needed immediate or very urgent surgery, then that patient would be prioritised and they would have a very short waiting period.

I don't think you can equate a patient, a non-critical patient, who is simply being transferred to a patient who is absolutely not five hours. That's a silly thing to say. To suggest that a patient who is in urgent need of surgery, emergency surgery, would be left waiting for five hours just reflects the Leader of the Opposition's inherent lack of knowledge and lack of interest in our health system.

Ms CHAPMAN: Supplementary.

The SPEAKER: Supplementary.

The Hon. J.J. SNELLING: I haven't finished.

The SPEAKER: You haven't finished.

The Hon. J.J. SNELLING: I haven't finished; I haven't sat down.

Ms CHAPMAN: Then I have a point of order because the minister is now entering into debate.

The SPEAKER: I don't think so at all. Minister.

The Hon. J.J. SNELLING: The waiting period for someone who needed to be transferred would be a very short time indeed. It would be similar to any patient anywhere in South Australia who needs urgent medical treatment; we are able to dispatch ambulances to that very, very quickly.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: These are not standard transfers. The Leader of the Opposition is saying, 'How much for a standard transfer?' Someone who needs urgent medical attention is not a standard transfer. They would be transferred very, very quickly indeed.

The other point I would say is that patients who do require transfer, because they are critically unwell and they need urgent surgical intervention, would be stabilised and looked after by highly skilled staff at the Modbury Hospital. In terms of the medical cover at the Modbury Hospital, that would continue to be what it is; that is, basically, we have consultants at the Modbury Hospital during the day, we have after-hours covered by a senior registrar at 10pm, and then after hours—so between basically 10pm and 7.30am—we have a consultant who is available on call to come to the hospital at very short notice. That is the arrangement we have at the moment and that will continue to be the arrangement; there will be no change to that whatsoever.

HOSPITAL TRANSFERS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:08): Supplementary: given that the Minister for Health can't tell us what the average time for transfer of a patient is in the emergency circumstances that he has referred to, how can he assure the house that when Scott Watkin does complain that between 'four and five hours' is a good time, to quote him, isn't the norm for even the emergency transfers?

The Hon. J.M. Rankine interjecting:

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:09): You can't equate a patient—

The SPEAKER: The member for Wright is warned.

The Hon. J.J. SNELLING: —who is not critically ill, and is currently being able to be adequately looked after where that patient is, to a patient who is critically ill and needs urgent attention. That is not an unusual thing in our hospital system for patients who are critically ill and need a higher standard of care than is able to be provided at the location they are at.

It happens quite frequently in country areas, where patients who are critically ill are taken to the local country hospital. The RFDS is called and that patient is medically evacuated. This is not something that we are not used to dealing with on a frequent basis, the transferring of patients. I have enormous confidence in the ability of us to do this.

But let's get back to why these changes are being made. They are being made because at the moment we have elderly patients having to wait up to not five hours but 150 hours to get a straightforward hip fracture fixed, and they are left waiting in the Lyell McEwin Hospital because the orthopaedic service at the Lyell McEwin Hospital, which is the third tertiary hospital in our state, doesn't have a seven day a week, 24 hours a day orthopaedic roster.

So, generally speaking, elderly patients are left waiting after hours for many days to get that surgery, which is relatively straightforward surgery, but while you're waiting for it you're incredibly uncomfortable, and this is what we want to fix. The other thing I point out is that interstate we know, and overseas experience knows, that when you stream your elective surgery you can work far more efficiently and effectively. You have fewer cancellations and you can eat into those elective surgery waiting lists. These reforms will provide for—

Mr Marshall: Why haven't you been doing it then?

The Hon. J.J. SNELLING: Well, the Leader of the Opposition needs to make up his mind: either he is going to say that these are a good thing or a bad thing. I thought his line was, 'They're a bad thing.' Now he's saying, 'Why haven't you done it earlier?' It would be nice to just have a little bit of consistency from the Leader of the Opposition. He's got to make up his mind: either he likes these changes or he doesn't, but you can't have it both ways. You can't say, 'Well I don't like these changes, but why didn't you do them earlier?'

Mr GARDNER: Point of order.

The SPEAKER: It's hardly a point of order because the leader has been interjecting constantly and taunting the Minister for Health, who has now responded.

Mr GARDNER: I seek a question.

The SPEAKER: The member for Wright.

PREMIUM FOOD AND WINE

The Hon. J.M. RANKINE (Wright) (15:12): My question is to the Minister for Agriculture, Food and Fisheries. Minister, what is the state government doing to promote South Australian produce internationally?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:12): I thank the member for Wright for her question. Of course, one of the—

Members interjecting:

The Hon. L.W.K. BIGNELL: Hilarious.

Mr Knoll: Get on with it.

The Hon. L.W.K. BIGNELL: I will as soon as your leader stops laughing about a very serious industry for South Australia—one that's worth $19.4 billion to our economy. The agribusiness sector—

Members interjecting:

The Hon. L.W.K. BIGNELL: Don't give up your day jobs; you're not very good comedians. They are pathetic jokes. This sector is worth $19.4 billion a year to the South Australian economy. It employs one in five—

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is called to order.

The Hon. L.W.K. BIGNELL: —working South Australians, and of course is one of our key economic priorities. We do a lot to promote food and wine here in South Australia and also overseas. Tasting Australia, the very first food festival that was established in Australia and copied by many since then, is going annual next year. Today, it was my great pleasure to announce that Cheong Liew, one of the most famous chefs in South Australia, has been named an ambassador for that event. I joined him down at the Hilton as he took six or seven food writers and food bloggers from around Australia around to a few of his favourite places in Adelaide to show off some of our great food and wine. Tomorrow, they will be heading down to McLaren Vale to Primo Estate to try some of the great Joseph's wine range down there, and they will be with Paul Henry, who is co-director with Simon Bryant of Tasting Australia.

Of course, Tasting Australia for the first time next year will become an annualised festival from 1 May to 8 May. It is going to be like the Adelaide Festival, the Fringe, WOMAD, those events that used to happen every two years. It will now be an annual event, which will make it stronger and better. Also this week there's a big Sustainable Seafood festival on in Hong Kong. We have been represented up there from today through until the end of this month. Of course, in 2014-15 we exported around 530 tonnes of seafood worth more than $33 million to China and Hong Kong, with abalone being our highest sought-after product value at $22.1 million.

The Australian Sustainable Seafood Month is a promotion in partnership with Austrade (Hong Kong) and the Dragon King Restaurant Group, which is run by world-renowned chef and premium food and wine ambassador Wong Wing Chee. The Sustainable Seaford Month will promote, educate and raise awareness of Australia's sustainable seafood in Hong Kong.

Closer to home, I must point out to the member for MacKillop and wish the organisers of the Coonawarra cab sav weekend, which starts tomorrow, all the very best for this year's festival. Last year the member for Mount Gambier and I had a couple of good Coonawarra cab savs on the Saturday afternoon, I think it was.

Mr Pengilly: I bet it was better than the Argentinean wine?

The Hon. L.W.K. BIGNELL: Much better than the Argentinean wine. But they are our competitor—you always want to know who you are up against. The Coonawarra wines are fantastic wines.

Mr Williams interjecting:

The Hon. L.W.K. BIGNELL: I will miss out this year, member for MacKillop, but, member for Stuart, I will be in your electorate. I will be up at Leigh Creek and then at the Roadkill Cafe at the Prairie Hotel on Saturday night trying some of the wonderful food up there as we look at tourism opportunities for the future of Leigh Creek.

Ministerial Statement

DOG AND CAT MANAGEMENT

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (15:16): I table a ministerial statement made in the other place by the Minister for Sustainability, Environment and Conservation.

Grievance Debate

INTERNATIONAL STUDENTS

Mr WHETSTONE (Chaffey) (15:16): I rise today to speak on South Australian international student numbers and the challenges that this state is facing in the area. In the Auditor-General's Report handed down yesterday I note that fees from international students to the University of SA have remained relatively consistent over the last four years as a result of fee increases to offset falling numbers of international students.

Revenue from fee-paying overseas students represents about 16 per cent of total revenue for the university, which represents $91 million to the economy. The student load at that particular university dropped by 16 per cent, and the Auditor-General's Report also showed that fees from overseas students increased by 16 per cent to $50 million at Flinders University with 9 per cent growth in international student numbers together with price increases.

Attracting international students is a vital service within the export sector for this state and even more important given that South Australia's merchandise exports in the 12 months to August 2015 are down by 6.3 per cent, or $771 million. South Australia's international student numbers increased by 8.5 per cent from 2013 to 2014 to 30,726 enrolments, and this is a step in the right direction.

However, when you compare South Australia to the rest of the nation the state's growth in international student numbers is extremely modest—in fact, the lowest in mainland Australia. Victorian international student numbers grew by 14.63 per cent; Queensland, 12 per cent; New South Wales, 11.9 per cent; and Western Australia, 9 per cent.

The fact is that South Australia must boost its international market share to assist in reinvigorating the economy in what is the state's largest service export sector. The other states have put their foot on the accelerator, and I note that it has been reported that Western Australia is looking at providing virtually fee-free study in Western Australian universities for Chinese students.

The market is highly competitive and it is about how we respond to the challenges presented to us so that we can continue to attract great minds from overseas that contribute richly to our state's

economy. Now there is no doubt that South Australia is a great place to live and, coupled with world-class university offerings, also a great place to study.

Whilst on a recent study tour of Japan I met a young woman who epitomises the positive advertising medium that international students can become for South Australia. The young girl who calls South Australia her second home claims that, along with the outstanding education she received whilst in Adelaide, the safety and lifestyle were the key factors in her glowing review of South Australia.

Additional to the benefits that international students who return to their country of origin bring, those who come to study and stay to work in South Australia become incredibly valuable threads in the tapestry of our economy and cultural landscape. A recent Study Adelaide survey revealed that, of 1,200 students canvassed from 65 countries, 45 per cent intended to stay in Adelaide once they had obtained their qualification.

I was quite surprised given the importance of international education and the fact that this sector contributes around $1 billion a year to the state's economy. It seems unfathomable that this area does not receive the support it so desperately deserves. There have been further initiatives to attract overseas students to our state in the past 12 months, but when you look at what the other states are doing, we are certainly behind the eight ball.

The main body responsible for promoting the city's education offerings internationally, Education Adelaide, was at one stage earmarked to have all state government funding cut, but this funding was partially reinstated during the 2014 election campaign following an uproar by the opposition, industry and the public in general. At the announcement of the 2015-16 state budget, the state government committed $5.7 million to a new program called Destination Adelaide to support the development and growth of the state's education industry through a coordinated suite of measures to market education opportunities here in South Australia.

While a funding commitment is welcome, it remains to be seen as to whether this program is adequate to boost the state's international student growth on par with the likes of Victoria and Queensland. Also, keep in mind the state Liberal Party committed $2 million per year to Education Adelaide at the 2014 election and the Labor government fell 15,000 students short in its goal to attract 45,000 international students to the state by 2014.

Thinking back to the young Japanese woman I met and the strong ambassadorial role she now has for South Australia, there is no doubt we need to entice more international students into this unforgettable experience, but without adequate state government support this remains an uphill battle.

AIRLINE CUSTOMER SERVICE

Ms BEDFORD (Florey) (15:21): It was with great sadness that I learnt of the tragic death of a pedestrian at Tea Tree Plaza on Monday and our hearts go out to this family at their time of terrible grief. After a dreadful weekend of deaths on our roads, it is important for all of us to realise that, while accidents do happen, we should all be on our guard to make sure we act with safety foremost on our minds at all times and always take great care on the roads and, most of all, slow down.

As a result of the Tea Tree Plaza accident, we learned of the terrible time a family member was having in trying to change an airline ticket already booked to attend a family wedding later in the month to allow her to fly home from London to be with her grieving family. I am not certain of the exact particulars, but while a good deal of social media agitation seems to have been applied to allow for the ticket to be changed at this end, it seems to be another example of how airline travel has changed and not for the better.

Not so long ago it seemed to be possible for changes to be made on compassionate grounds without too much trouble resulting in positive media for the airlines. Sadly, the stories we hear more nowadays are quite the reverse and are more about the hard-hearted attitudes we consumers are forced to accept.

We all appreciate the pressures of running an airline in the 21st century and meeting the expectations of a public eager to travel and take advantage of competitive ticket prices. The travelling

public is also subject to the necessary checks for heightened security as part of the new normal of our world. I am always still amazed by the even bigger planes shuffling us all around the world with all our baggage in what is an overwhelmingly safe form of travel. That said, customer service cannot be lost as it is surely the one thing that separates airlines into truly being customer focused.

Airline partnerships could be part of where, as customers, we do not fully enjoy the clear lines of how good customer service can be delivered. In recent times, I came to wonder how I could better engage and receive the service and assistance I expect from a carrier. On a flight from Dubai, sadly, a fellow passenger became critically ill and eventually passed away. As I was seated quite close, I witnessed a set of circumstances I am still to process fully and to correspond with the airline. Along with hundreds of other passengers, I was reliant on the airline staff for information and found that for me I was less than satisfied.

The situation was stressful for all involved and ultimately we returned to Dubai after stopping for several hours in Mumbai. It was really on the following evening, as we all wearily made our way back to the airport, that I realised that as a traveller I was basically on my own even though I was travelling with another MP and other acquaintances all seated elsewhere in the aircraft. Because our flight had taken off it was technically no longer in existence and our new flight did not actually exist until it appeared on the departure screens.

What all this meant was that it was impossible for me to change my ticketing and neither of the airlines in the partnership could help me. I found this quite distressing. Almost as distressing, no doubt, for the family of the deceased passenger. He was travelling alone and I imagine someone informed the family of the passing of their loved one subsequently. My sincere hope is that they were given every assistance in arrangements for repatriation.

These circumstances—needing urgent help to re-ticket, and deaths mid-flight—while not perhaps commonplace, surely happen regularly. In the days of online help yourself we still sometimes need special assistance and when it is not forthcoming, when simple human decency is lost in the moment, it is time to regroup and see how things can be done better.

Another recent experience I have heard about concerns a fragile elderly woman and her daughter who travelled from Melbourne to Hobart. After being in a wheelchair and on the aircraft for several hours they landed in Hobart to find no disabled toilet in the arrivals area. Rather, it was necessary for them to go outside the terminal, walk right down to the arrivals area to then find that the disabled toilet was actually located by the door in the wall separating arrivals from departures. It is hard to see, even in the midst of renovations, how this can be DDA compliant or meet any test of decency or sensitivity to the plight of those needing disabled toilet facilities.

The number of older and infirm travellers is only going to rise and if we are not one ourselves we might find ourselves caring for someone who needs these sorts of essential services. The airline boarded two wheelchair travellers on the flight at the same time, but rather than making sure that the higher number seat passenger went on first, allowing both chairs to be seated at the same time, the lower number went on first and everybody else had to wait in the departure area while they were both settled. This could have easily been addressed by making sure that the numbers were boarded sequentially so that both chairs could have been settled at the same time.

Think about how you would feel if you were in this situation and how much compassion you would like to see around the place. It is not just airlines. The car hire company they used left a lot to be desired as well and the assistance at the visitor centres at various tourist sites fluctuated wildly. Hotel accommodation was also an issue. There is a big contrast between recognition of disability services here in Australia and overseas.

This week is National Carers Week and in paying tribute to those wonderful people who voluntarily contribute to making the life of another person more enjoyable, I ask everyone to think about how they can show kindness and empathy wherever they can and how the difficulties that people face in their day-to-day lives can be made easier.

FREE TRADE AGREEMENTS

Mr KNOLL (Schubert) (15:26): In politics we deal a lot with the day-to-day cut and thrust of debate on issues. Whilst we are often passionate and strident in our defence of our policies, over

time the legacy of a party or government is viewed quite differently. The book is still being written on the Abbott/Turnbull government but in the future I have no doubt that some of the crowning achievements will be the four free trade agreements the government has done deals on. This will stand the test of time and deliver for Australia and South Australia for generations to come. These are the agreements with Japan, Korea, China and now the Trans-Pacific Partnership.

The opening up of international markets is great for an export-focused nation such as Australia, and indeed South Australia and our export capabilities. It means that we can get on and do more of the things that we are good at, sell the goods and services that we are great at and indeed in some cases, such as making a good glass of shiraz from the electorate of Schubert, do what we are the best in the world at. We saw that, once again, only last week when Thorn-Clarke and their 2012 Ron Thorn Shiraz was voted the best shiraz in the world. This comes on the back of a whole host of similar accolades. I can remember the Wild Witch at Kellermeister receiving a similar accolade.

The jobs that are created in these industries are sustainable and, as we talk about a transitioning economy, I think this is a very important fact. They are sustainable because they do not rely on subsidy or tariff to survive and because, thanks to these agreements, these industries will be growing, which means that the job creation in these industries will hopefully help to transition our economy. The Chinese free trade agreement, and the others, are great for the Barossa, Schubert and South Australia more broadly.

Here are some of the facts about China. China buys almost a third of all Australian exports. China buys more of Australia's agricultural produce than any other country in the world. In 2014, Australian beef exports to China totalled 128,000 tonnes, worth $655 million. The total Chinese imports of sheep meat reached 281,000 tonnes, up from 124,000 tonnes in 2012, so we see over a doubling of the market in only two years. China's wine import market is growing dramatically, almost doubling in size since 2010 to be worth over $1.7 billion.

Can I say that, on the wine front, China is the third largest market for Australian wine, but what is most exciting is that the US and UK, as the number one and number two markets, especially the UK market, the price per case sits at only around the $50 to $60 mark, whereas the price per case of what goes into China and Hong Kong is around the $100 per case mark. So, we see that it is a better quality and more premium standard of wine that we are able to export into this market, which is hugely important.

The Chinese free trade agreement delivers a reduction of tariffs on beef over nine years, a reduction in tariffs on wine over four years and introduces a new Australia-only duty free quota. My electorate desperately wants this agreement to go ahead. As a wine and agricultural produce region, we need this deal. Here is what the Premier had to say on the matter:

> ...the China free trade agreement is a massive opportunity for us, especially in our wine and food sector, where the possibilities it opens up are extraordinary.

I totally agree. Unfortunately, it does not seem that Bill Shorten got that memo. The Premier has, on occasions, stated that Bill Shorten is irrelevant. In this case, he is not, because the passing of this free trade agreement hangs in the balance in the Senate, and it is Bill Shorten who stands in the way of us getting the deal that we want and need.

The Labor Party has given into fear on this issue, has given into a fear campaign that has been run by the CFMEU and others, and it threatens to derail a deal that, in the Premier's own words, will deliver for South Australia. The bill on the Chinese free trade agreement is set to be debated in parliament this week, and this is a true test of whether Labor has regressed to the fear protectionist days of old or whether they are going to grip that mantle of reform and truly look forward.

I believe that this is a true test for our Premier. He has called Bill Shorten irrelevant, and it is obvious to all that the relationship is not the best, but this is a time when we need him to deliver for South Australia. It is interesting that in six years of Labor we did not see any sort of agreement like this, but in only two short years of a Coalition government at a federal level we have delivered four agreements. What I would ask is for Labor at a federal and state level to do the decent thing, get out of the way, and give credit where credit is due.

NAPIER ELECTORATE

Mr GEE (Napier) (15:31): Today I wish to speak about new beginnings and new opportunities in my local area. Napier is an exciting place to be and proves that there is real growth happening in the north. I was pleased to attend the official opening of the new Playford Uniting Church recently on Curtis Road at Munno Para. This religious centre has a large congregation, is committed to the local community and will open its centre up for people from across our community, regardless of their faith. I wish Reverend Peter Riggs and his team well for the future.

The new church building just about completes the new Curtis Road frontage, which has a diverse range of services all providing jobs for local people. There is also a gym, a vet, a service station, three fast food outlets, six restaurants, a bulk-billing medical centre and a childcare centre. There are a number of office suites still to come.

Also opening recently is the new Stretton Centre, which will focus on jobs, training and business development opportunities. The Stretton Centre joins the GP Super Clinic as examples of significant investment by the former federal Labor government in our local area. The Stretton Centre also provides space for the Playford public library, networking and co-work spaces for businesses and research facilities for the University of Adelaide, including the Australian Workplace Innovation and Social Research Centre.

During the next sitting week, even more jobs will be created with the opening of the Playford Marketplace, the latest stage of the Playford town centre. The marketplace includes a new Woolworths supermarket, 12 specialty shops and undercover parking on Curtis Road. These jobs are in addition to jobs that are being created by the opening of a new Reject Shop and Cibo café in the Munno Para shopping centre. The recent announcement of the Northern Connector will also create and maintain jobs for local people from the northern suburbs and will provide a much needed non-stop road for both freight movements and motorists from Gawler to Regency Park or Port Adelaide.

New opportunities have been created at Elizabeth with the official opening of the Northern Adelaide Senior College. The college, which was formerly Para West Adult Campus, has moved into new facilities adjacent to TAFE SA at Elizabeth. The new site provides not only opportunities for students to learn in a modern and progressive environment but opens up opportunities to access the resources that TAFE SA has to offer. I wish to acknowledge and thank Colleen Abbott, a great principal who has led the school through the whole move from concept to official opening.

I also want to thank former ministers Kenyon and Rankine and former DECD director Tony Cocchario and acknowledge everyone involved in the planning, building and, of course, the learning. It is a unique learning environment that provides a great educational service for young and not-so-young alike. I was pleased to hear that one of the graduates from last year has now moved on to study medicine.

Lastly, I want to congratulate Rebecca Goldspink and Melissa Raines, who were successful in winning the Fund My Idea Northern Suburbs Initiative over 44 other ideas earlier this year. Rebecca has been campaigning for years to see an accessible playground installed in the local area. She currently has to drive her family more than 40 minutes away to a suitable playground. I was pleased to present Rebecca and Melissa with a cheque for $22,000 towards an accessible playground at Fremont Park. They will now try to work with the City of Playford to get the design of the playground finished.

Having spoken of new beginnings in my electorate, I have to end my contribution on a very sad note. I advise the parliament of the untimely passing of Mr Anthony 'Tony/Jock' Thompson, President of the Elizabeth RSL. Tony was born on 26 September 1948 at Millicent and died of a heart attack on Saturday 3 October 2015 in Davoren Park at just 67 years old. Tony was a country boy who served our nation in Vietnam. On his return, he married Lyn, his wife of 44 years, and spent his life working on the railways and as a grounds person at Salisbury East primary school.

Tony was involved in SAPSASA, the Playford Community Fund and many other organisations. Tony served five years as Vice President of the Elizabeth RSL before serving in the

role of President of the Elizabeth RSL from 2012 until his passing. I enjoyed talking with Tony whenever I visited the RSL and was shocked at the news.

Tony was farewelled by a gathering of more than 300 people at the Elizabeth RSL yesterday afternoon. I express my sincere condolences to his wife, Lyn, four children, 11 grandchildren, and all his family and friends. Lest we forget.

COUNCIL RATE CONCESSIONS

Mr DULUK (Davenport) (15:36): I rise today to condemn this incompetent and wasteful state government on the way that it has completely mishandled and politicised the new cost of living concession. As many of my constituents in Davenport have said to me, there was nothing wrong with the old council rate concession. Administratively, the old concession being applied to council rates a was very simple one.

The old concession system did not require extra public servants to be brought in to administer it, or a special hotline which will hang up on you when it has been flooded with calls from thousands of concerned South Australian pensioners. The old system simply made a payment to councils from the state government, which councils then deducted from rates and fees that they charge—simple and understandable.

We are all aware that the state government has spent most of this year scaring our pensioners that they would be worse off because of changes to the council rate concessions, even though they knew full well that they would cover the gap, as every other state government around the country has done. The state government will take any opportunity to blame someone else for the problems that they themselves have caused.

My electorate office has been inundated with constituents who are perplexed at why they are required to fill in multiple pages' worth of forms with a wide variety of questions ranging from the standard set to questions asking whether or not they have a home rental agreement with Housing SA. Understandably, most pensioners have been left confused and distressed by such a bureaucratic approach.

Documents obtained under freedom of information put to bed any notion that the Premier's advertising campaign was not for political purposes. I have received documents from the Department of the Premier and Cabinet, under FOI, that reveal that the department's usual monthly Australia Post invoice is approximately $4,000. However, department officials noted that the invoices issued in May this year amounted to $94,000, which is attributed to letters scaring pensioners about their concession changes—$94,000 to scare our pensioners. In other words, the Premier's office spent over 23 times their usual monthly amount in postage to scare South Australian pensioners about a cut to a concession they never seriously intended to make.

Other costs in distributing the government's political propaganda included $27,000 spent on printing these letters. That is not to mention how many countless staff hours were wasted in the respective departments of the Premier, Treasurer, and Minister for Communities and Social Inclusion. To illustrate the point, I refer to lengthy correspondence between staff in the Premier's office and other government advisers, and even a former minister now on the backbench (member for Newland). I quote from an email sent from one of the Premier's advisers to the honourable member:

> Dear Tom, Jay would like you to review the attached letter and provide feedback. It has done the rounds through our office and the Treasurer's office, but he wants your input. This letter is to go to all council rate concession recipients, so roughly 178,000 households. It is in response to the lies the Libs have been sending out regarding concessions cuts. It might be a little wordy and technical so need a little advice…

I tell you what: I cannot understand why the member for Newland is not on the front bench anymore. He could have been a lot better help to the Premier and his staff if there were not several more draft versions of the letter.

The Hon. A. Piccolo interjecting:

Mr DULUK: It's alright, Tony, you won't be on there for too much longer. The email correspondence from the member for Newland across to the department seems to extend for well over a month, and numerous drafts of this scare campaign letter from the Premier are shared with

advisers from the Premier and Cabinet, Primary Industries and Regions, Treasury, State Development, and the list goes on.

So, the whole state government, all the bureaucracies, has been involved in the drafting of a letter for a cut that was never going to happen. It is just an absolute shame. One really does wonder why it took so many dozens of government advisers over one month and over $100,000 to write, print and post one letter. Instead of wasting thousands of dollars on a government scare campaign, they should be investing in the real needs of South Australians, including that of job creation.

The government should be taking the responsibility for SA's economy being in freefall. We saw this week that another 200 jobs have gone from Santos, on top of hundreds of jobs lost at Leigh Creek and Port Augusta just last week and the many thousands of jobs lost throughout the South Australian economy since Labor promised 100,000 new jobs in 2010. This government is out of touch, wastes taxpayers' money every single day and should be taught a lesson at the next election.

EUTHANASIA

The Hon. S.W. KEY (Ashford) (15:41): I want to give an update to the house on what is happening in the voluntary euthanasia and assisted suicide area. Belgium, Holland and Luxembourg, as we know, have what is termed 'active euthanasia'. This is where a person has made an active and voluntary request to end their life. It is thought that they have had sufficient mental capacity to make an informed decision regarding their care, and it is also agreed that the person is suffering unbearably and that there is no prospect for improvement in their condition.

In other jurisdictions, there are types of assisted suicide and passive euthanasia that are legal. When I say 'passive euthanasia', I am talking about where a person causes death by withholding or withdrawing treatment that is necessary to maintain life, such as withholding antibiotics from someone who has pneumonia. Examples of this type of provision are in Switzerland, Germany, Mexico and now five American states. In California, Governor Jerry Brown has approved end-of-life measures to allow physicians to prescribe lethal doses of drugs to quicken the death of terminally ill patients.

It is interesting to note that, in the USA publication *The Daily Beast,* Governor Brown is described as a former Jesuit seminary student and quoted as saying that he has difficulty with approving assisted suicide law, saying he had to reflect on 'what I would want in the face of my own death'. Needless to say, California now follows other US states (Vermont, Oregon, Montana and Washington) in permitting assisted suicide to some patients.

I am told that the Californian law is based on the 1997 law in Oregon, with some changes. The Californian law has a 10-year, and I say this in inverted commas, 'sunset provision'. Doctors need to consult in private with their patients wishing to die to ensure that they know what they are requesting and also that no-one is coercing them. More than half the states, I am told, in the USA have been putting forward these sorts of bills, mainly to legalise some form of assisted suicide. Interestingly, it includes Washington DC.

Various medical organisations, like the California Medical Association, have changed their position of opposition to assisted suicide to that of a neutral position. Basically, when people campaign for voluntary euthanasia and assisted suicide, they are asking not for the different medical organisations necessarily to support that change but to take a neutral position. Certainly, in California that is now the case, with their saying that this is a matter between the doctor and his or her patient.

The Guardian Australia publication recently reported that, in the Westminster system, Labour MP Rob Marris followed the lead from the longtime voluntary euthanasia campaigner, Lord Falconer, and that Marris' private member's bill proposed:

> The assisted dying bill would allow doctors to prescribe a lethal dose to terminally ill patients judged to have six months or less to live and who request it.
>
> Any patient would be assessed to ensure that they had formed a 'clear and settled intention' to end their life. The prescription would be subject to the approval of two doctors and a high court judge.

Sadly, this bill was not successful, but it would have permitted doctors to assist terminally ill patients to end their life on their direction.

One of the things I have found really challenging in looking at this sort of legislation, as I have said to the house before, is that advance care directives to me seem to be a priority. Most of us in our electorate offices would have people coming into our electorate offices asking us, as justices of the peace, to verify documents and also talk to us about what sort of process they needed to go through to make clear their end-of-life intentions.

I do take some claim in there being successful legislation that has been introduced and operating for the last couple of years, but I think it is about time for us now to look at that legislation and make sure that it is easy to process and also easy to change if someone does change their end-of-life intentions.

Bills

LIQUOR LICENSING (ENTERTAINMENT ON LICENSED PREMISES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr TARZIA (Hartley) (15:46): As I mention this morning, on this side of the chamber we speak in favour of the Liquor Licensing (Entertainment on Licensed Premises) Amendment Bill. You recall that this morning I gave the house a bit of background into the industry, when I drew the house's attention to some figures of recent times and how, in terms of live performance industry output by state and territory between the years 2008 and 2012, South Australia has gone backwards.

One of the main reasons that South Australia has gone backwards in this regard, the industry says, is the overburdensome regulation that is stifling this part of the music industry. The sale or supply and consumption of liquor is obviously regulated by the Liquor Licensing Act 1997, and section 105(1), particularly, requires a licensee to apply to the licensing authority for consent if they wish to provide entertainment in the licensed premises or, in fact, in any area adjacent to that licensed premise.

The Music Industry Council (and I will talk about their submission in a moment) notes that this provision is the most onerous and the biggest barrier to the industry—that is, the live music industry—in South Australia. They also point out that in fact this restriction does not apply in any other state in Australia and does not apply to any other forms of entertainment out there, and obviously there are many other forms of music, such as recorded music, for example.

The bill aims to draw a balance between cutting red tape and making it easier for a licensed premise to host live music. I made mention of the fact that live music is certainly an area and a component of the identity of a community. As I mentioned, I have three local councils in my electorate alone, and one of them is the Norwood Payneham and St Peters council, and that council contains, as I said, the highest concentration of licensed premises across the metro Adelaide area. There are many of these council areas just outside the CBD that have quite a high concentration of these kinds of venues.

The bill suggests a number of amendments to the Liquor Licensing Act, but I want to focus on section 105 and the regulations that go with the act. They represent everything that can be improved with respect to our entertainment laws in South Australia. Many stakeholders have said that our liquor licensing laws, on the whole, are riddled with over-regulation and quite ridiculous regulation in some instances and these laws are certainly stifling our entertainment businesses, and it makes no sense that bars and pubs have to comply to simply play music.

The 2014 annual report of the Australian Hotels Association criticised these liquor and entertainment licensing restrictions, and this morning I made mention of their submission in regard to this particular amendment. In the past, they have called the regulation by this government on the liquor and entertainment licensing regime draconian and nonsensical. What I think we should be doing in South Australia is taking our lead from the previous Victorian government and the east coast of Australia where legislation has been enacted to give more freedom to entertainment venues to attract patrons, to attract consumers, because the results there have been stunningly successful.

They have been stunningly successful and very well received and they have, in fact, enhanced their reputation as being the hub of Australian culture. I would like to think that down the

track people may think the same thing about South Australia but, at the moment, because of this government and the regulation under this government that is stifling this industry, that is certainly not the case in South Australia.

There is obviously not any one quick fix to the question of how we encourage more live music and the industry to grow in South Australia. This has been acknowledged on several fronts, but also quite recently in the report by Thinker in Residence Martin Elbourne, where it is noted that it takes more than just a regulatory regime: a range of measures are required to promote, to encourage, and to support the live music industry as well as those hosting that industry. It would take a mix of legislation, a mix of planning, a mix of education—a wide range of levers that need to be pulling and pushing in the same direction.

The Music Industry Council of South Australia recently made a series of recommendations to the state government in their submission in regard to this bill. The Music Industry Council is quite a reputable body, and I note that they are a newly formed leading music industry advisory body. I believe the MIC was established in 2014, and they have many recommendations which I think the government should certainly take note of. It is comprised of several members, including venues, performers, agents and producers, as well as representatives from the different tiers of government. Members include groups such as MusicSA, the Australian Hotels Association, local radio Fresh 92.7, state government, Arts SA, 5/4 Entertainment, Musitec, APRA, Adelaide Music Collective, Adelaide City Council and The Jam Room.

Following the establishment of the Music Industry Council, its members identified a range of low-hanging fruit, if you like—a range of recommendations—and they say that, if some of these recommendations were actually put in place, put into law, then what you would see is a great enhancement of the live music scene in South Australia. If the government is serious about vibrancy in the city, if they are serious about the live music industry, then they will certainly put forward some of these recommendations.

They note that the industry is certainly fiercely competitive. We all know that the live music industry is subject to many macroeconomic issues but also technology issues, which have contributed, perhaps, to declines in rates of pay in this industry relative to past decades. However, that is not an excuse. As I outlined this morning, we see states where growth is occurring and where the live music scene is flourishing. Therefore, this government cannot blame technology and it cannot blame macroeconomic factors. What it can do is work on the factors that it can control. It can and does have the opportunity to listen to stakeholders and the people who know best, the people at the coalface—the musicians, the stakeholders—and remove burdensome legislation and regulation which is stifling the industry.

Some previous commentators have blamed a lack of venues. Some people have also said that there is not enough talent. I do not take that view, but there are a number of common themes that tend to emerge that the government needs to take note of. Firstly, hotels, pubs, clubs and nightclubs continue to host overwhelmingly the majority of live music gigs in this state, and therefore they should listen to these stakeholders. Secondly, it is quite clear that the onerous liquor licence and entertainment consent requirements actively discourage or prevent venues from engaging live musicians and also from expanding their current offerings.

Thirdly, as they identify, there are complicated and potentially very expensive building and zoning requirements that also have the potential to discourage venues from starting up to provide live music. These add up over time and across the state. They also note that there are high additional compliance costs of venues to support live music, including WorkCover. There is also a lack of information for both venues and musicians as to how to engage musicians or even get a gig in the first place.

The MIC makes five main recommendations to enhance live music in South Australia. The first one, as has been mentioned, is to remove the requirement for separate entertainment consent on all liquor licences. This has been identified as the biggest barrier. The requirement for liquor licensees to obtain different consent to provide any kind of entertainment is obviously somewhat onerous and it discourages live music of any type. It has been raised time and time again by this

sector as the biggest barrier currently facing the live music sector in South Australia. This morning I alluded to the submission of the AHA, who said a similar thing.

There are many examples of entertainment consent conditions that are onerous and Draconian especially upon premises that have held liquor licences for many years, in some cases decades, which were in business prior to the recent developments and changes. Improvement in this area by the MIC is a very high priority.

Another point of contention and another position where the MIC is quite critical of the government is where they say that in this current climate, where we are today and beyond where digital and recorded entertainment provides competition for live acts, retention of entertainment consent provisions after midnight will further expose the government's policy to mounting consistency challenges and continue to disadvantage South Australian musicians in comparison to their counterparts in other states of Australia.

The live music industry, musicians trying to get a gig in South Australia, performing in South Australia, are always going to be compared with our neighbours interstate. If a musician has the potential to come to South Australia, questions need to be asked. If it is more onerous to play a gig here, if it is more expensive because of those regulatory burdens to play in South Australia, if the opportunities per capita are fewer because of the regulation that is stifling, well, South Australia by default becomes a less attractive venue for some of these musicians unless the government gets its act together and takes notice of the industry and actually implements some of these changes that the MIC is suggesting.

The MIC goes on to talk about building code regulations to encourage the uptake of live music. Obviously, the Building Code of Australia defines classes of building use, and there are requirements on a number of fronts, such as fire safety, exits, construction specs, materials and ventilation. In South Australia, many venues have split classifications—class 6 and class 9b. Without talking about the size of a venue, areas which are classified as 9b will always have more onerous requirements with respect to air vents, smoke detectors and also sprinkler systems.

While not disagreeing that large assembly buildings will require safety issues to be considered, as it points out, in small kinds of establishments that do host live music the requirement to have specific and additional compliance costs can be detrimental to live music. Obviously, you always have to strike a balance between safety, but I think that the government should seriously look at where that regulation is over the top.

I note other states in Australia. Have a look at Victoria, have a look at New South Wales, the two states that by far have liberated regulations to free up licensed venues. If you look at those two states, in recent times they have introduced state regulations to free up and liberate licensed venues from some of these onerous requirements.

For example, at the end of 2014 (I think, October) Victoria introduced the Building Amendment (Live Music) Regulations 2014 to amend the building regulations to cater for these sorts of improvements. In both cases, I think that you will find, Deputy Speaker, the result has been a liberation, a freeing up of premises that provide live music from having to comply with provisions that are onerous and unreasonable.

We all understand that you need some regulations, sure, but the point has been made through fact and through weight of evidence and through studies and the money that is actually flowing through the industry in South Australia compared with interstate that we can be doing much better here, and so it is time that the government listened.

Another recommendation the MIC talks about is the issue of external noise attenuation in new buildings and developments. This is perhaps a little more complicated, but the music industry group, the MIC, will continue to advocate for solutions that are workable to these sorts of issues. So, I would encourage the government to look at the submission in regard to this. It is much more complicated than the amendments we are looking at here, but if the government is serious about making South Australia more vibrant, making the city more vibrant, this is an area of law that it certainly needs to improve.

Another interesting recommendation that the MIC talks about relates to minors being able to perform in licensed venues, and this was quite interesting when I came across it. Obviously, having opportunities to perform live is a crucial element in the development of young musicians. Recently, I and perhaps other members in the house, only some weeks ago attended the Catholic music festivals. There are some extraordinary young talented musicians in our community. It is fair to say that a lot of students do not continue their music in a professional manner after their high school and their university and TAFE years, and part of that is perhaps because the opportunities are tough. I have a cousin who is trying to make a go of it. He is trying to crack the music scene. It is a tough scene. It is a very competitive scene and often, unfortunately, very talented people do not get a good run because it is extremely competitive.

One of the things the MIC has brought to the government's attention is that in some jurisdictions minors are able to perform in licensed premises. They make the assertion—and it is quite correct—that having the opportunity to perform in a live environment is imperative as a component in the development of young musicians. If they can give a performance in a live environment, obviously it is imperative for their development and it would teach them so much. With many performance opportunities being presented in licensed premises, we should be providing a clear direction to provide safe guidelines for young artists to perform in these venues. I think that if we were able to do that, we would better support their development.

If there are teachers out there who have young gifted students or parents who perform and are ready to have young family members perform, I think we should give serious consideration to allowing young musicians to perform in licensed premises—as the MIC recommends—obviously with safety measures in place and provided that they are under the direct supervision of an adult. This will certainly increase performance opportunities and enable paid employment.

Precedents exist interstate for these conditions, such as section 123(3) of the New South Wales Liquor Act. However, I note that currently there are restrictions on who can perform in a licensed venue, and it is very hard for a minor to perform even though they are under supervision. I had a look recently and there are a number of very young musicians doing great things worldwide—look at 5 Seconds of Summer, Justin Bieber, Taylor Swift and Meghan Trainor. It was not that long ago that these musicians were under 18. We might have the next Taylor Swift here in Adelaide.

Mr Knoll: It could be my daughter.

Mr TARZIA: It could be the member for Schubert's daughter. Hopefully, she sings better than the member for Schubert.

The Hon. J.M. Rankine interjecting:

Mr TARZIA: Yes, exactly. The point I am making is that we should not preclude our youth from having the opportunity to do the best they can in any employment area. Let's face it, for some of them live music is the future, so why should we preclude them by not allowing them the competitive advantage they have interstate? We should be allowing our young people to exercise and practise their talent and give them every opportunity in life and that includes in this area. I commend the MIC for drawing the house's attention to this, and I am happy to have a conversation with them down the track about this sort of thing.

Another recommendation they talk about is in regard to legislation that addresses the limitations on the temporary occupation of buildings. They note that at the moment the Development Act 1993 does not apply any different criteria for the short-term occupation of a building, and for most in the industry it usually means an expensive, costly, long and frustrating process, with the result often suggesting that people who want perhaps to use a space temporarily do not proceed with an idea even if the building is otherwise abandoned. Especially in Melbourne and Sydney, you see these unoccupied spaces where, before too long, musicians have gone in—

Mr Bell: Or squatters.

Mr TARZIA: No, not squatters. We are not talking about squatters today. People have gone in and made the best of a building that was otherwise vacant, and so there is massive potential here. So, I thank the MIC for their submission. They make a number of valid points and I hope the government, on another day, will consider them.

The LGA also makes a range of suggestions with regard to the draft Liquor Licensing (Entertainment on Licensed Premises) Amendment Bill 2015. They are very supportive of some parts of the bill, however, they have asked for clarification of some other parts. Obviously, the LGA has a strong interest in this matter because, let us face it, it is often local councils that have to come to the rescue when there are issues that present. As a former councillor on a metropolitan council I often came across issues between residents and venues in the planning area.

The LGA correctly points out that the main intention of the bill is to remove the requirement for a licensee to seek consent from the licensing authority for entertainment provided between the hours of 11am and midnight, but entertainment outside of these hours and entertainment of a prescribed kind would still require consent under the Liquor Licensing Act.

I acknowledge that the intent of the bill is to strike a fair balance between reducing red tape but also maintaining adequate regulation, and the LGA supports the intent. I do not think anyone in this chamber would argue with the intent because we all appreciate that we need a sensible, somewhat appropriate, common-sense regulatory framework that does not unreasonably add to the cost of doing business. However, that said, the LGA would like to highlight some of the concerns it has, and makes the point with regard to the proposed changes and the potential for unintended consequences.

Of particular concern to the LGA are the changes being proposed ahead of more significant changes to the law that are likely to be included in the government's upcoming package of planning reforms. The LGA has not taken this bill lightly. It has sought legal advice, provided by Norman Waterhouse Lawyers, a very reputable firm, and I would encourage the government and the Attorney to look at this advice and reflect on the issues the LGA raise, and perhaps we can flesh these out down the track.

They make a number of comments. Firstly, they make some comments with regard to the limitations of relying on existing development plan consent conditions and highlight a concern that the proposed amendments have been based on the assumption that there are existing planning consent conditions in operation that can be relied upon to manage entertainment within licensed premises. Obviously, there are a number of questions to be raised here.

They say it is highly likely (through their advice) that a number of established licensed premises will have either none or inadequate planning conditions imposed under the Development Act, or predecessor legislation, to adequately regulate noise from those premises. It is a very interesting point and I would encourage the Attorney to speak to this point. They have a concern that the proposed removal of certain entertainment conditions under the Liquor Licensing Act may create a legislative void for what is otherwise the proactive management of noise.

With regard to triggers for a development plan consent versus a liquor licence application, they go on to highlight another concern. The LGA says that another limitation of the proposed approach relates to activities that could or would trigger or highlight an application to a planning authority compared to those that would require a new or varied consent from a licensing authority.

They make the point that, usually, an application under the Development Act would be generally triggered by intent to, say, undertake building work or a change in land use. The LGA make the point that there is some doubt in the amendment about whether offering a new type of entertainment (for example, live music or a DJ) or expanding the licensed area would trigger a new development application. I would encourage the Attorney to speak to this.

They go on in regard to noise management. Obviously, noise management is a significant issue. It is probably the most significant issue from a resident point of view when they are residing in an area close to a licensed venue. Noise monitoring and the management of the noise is a substantial issue where there are licensed premises that are situated close to or adjacent to a residential area. Obviously, everyone has the right to the quiet enjoyment of living in an area, and so this is an area that needs to be managed well. We only have one go at this. If we get this wrong, we will be playing catch-up. It will lead to many unpleasant conversations in the community, for all members, not just those who have a border or boundary area in the city.

Councils have advised the LGA that the current framework is working well. The proposed amendments will place, however, the onus on councils to manage noise issues between 11am and

midnight. Unfortunately, councils are being misunderstood a lot of the time. I wish the government would listen to councils more often. Because the proposed amendments will place the onus on councils to manage noise issues between 11am and midnight, this will arguably undermine existing partnership approaches and it also may create a resourcing issue for local government, if you work on the assumption that there are adequate planning conditions in place to provide a basis for compliance action.

What I am asking the Attorney to do is provide evidence that an analysis of the potential cost impact on councils, and ultimately communities, has been undertaken. We are yet to see any of that, as the LGA have pointed out. It is obviously suggested and considered that the amendments that are being proposed will reduce proactive noise management. As you cannot get on the front foot and as it will be difficult to proactively manage noise measures, it will inevitably result in a higher number of complaints. So, in the absence of what would be a mechanism to efficiently resolve these issues, it would be unlikely from that point of view that red tape will be reduced in that space, because if you are saving it somewhere, you might be putting more on in other ways to make sure you address the concern.

Getting to the legislation, can I just say that I am here to listen to these stakeholders, and that is the problem with this government. For too long now, they have not listened to the industry. I will go through these figures again. The live music industry output by state and territory is such that, between 2008 and 2012, every single state has gone forward (bar Victoria, because they have come up so fast in recent times), but South Australia has gone backwards 11.5 per cent. The government and the Attorney-General can jump up and down all day long and talk about them creating a vibrant state, this, that and the other, but the fact of the matter is, in terms of economic contribution, South Australia is going backwards, and this government has no economic credential whatsoever when it comes to the live music industry.

Section 105 states that it requires a licensee to apply to the licensing authority for consent, and we on this side of the chamber are listening to the industry. The Music Industry Council are in favour of it—

The Hon. J.M. Rankine interjecting:

Mr TARZIA: People used to listen to you much more when you were on the front bench, but anyway. So, the Music Industry Council are in favour of it, the AHA are in favour of it, and the LGA are in favour of it. I would ask the Attorney-General to consider not only the positive comments that have been made in response to this proposal, but also to reflect upon the criticism of the amendment.

This is an industry for which South Australia is certainly doing a below-par job. We can be doing much better, and it is an area in which we can really kick some goals to better provide a vibrant city where we can also put some economic runs on the board. I will support the bill, we on this side of the chamber support the bill, and I commend it to the house.

Mr DULUK (Davenport) (16:21): I also rise to speak in favour of the Liquor Licensing (Entertainment on Licensed Premises) Amendment Bill 2015, and I commend the member for Hartley, as lead speaker for the opposition, on his contribution, his research and his thorough interest in this matter. As I said, this amendment bill is supported by the Liberal Party. It is supported by the Music Industry Council, which provided a key submission and recommendations to the government early this year, as well as the Australian Hotels Association (AHA).

Live music activity in Australia delivers significant benefits to the Australian community. Indeed, live music is the heart and soul of live entertainment in South Australia. It is the heart and soul of many hotels and pubs, including many of our historic hotels and pubs, such as the Governor Hindmarsh Hotel, the Lion Hotel, the Wheatsheaf Hotel, the Norwood Hotel, the Arkaba, the Robin Hood, and the Belair Hotel in my electorate of Davenport (and my local).

National research conducted by the University of Tasmania shows that the live music sector contributed over $15.7 billion to the value of the Australian community in 2014. The report, entitled 'The economic and cultural value of live music in Australia 2014', set out to value the economic, social and cultural contributions of the Australian live music industry. The findings of that report revealed that for every dollar spent on live music, $3 of benefit is returned to the wider community.

It illustrates the significant contribution that the live music industry makes to the economy, and it highlights the importance of live music to the community. I certainly believe it is incumbent on us as leaders and representatives to continue to work to improve and develop the live music sector in Australia through funding, better regulation, and small business support.

In terms of hotels being the heart of live music in this state, I refer to the AHA press release of August this year, where they reported that:

> …962 gigs were presented during May 2015 in Adelaide and outer suburbs across 157 venues, with Adelaide city providing the bulk of live music offerings.

It shows that, in May 2015, hotels were the most significant venue type, providing 769 of those gigs across 108 venues, and a total of 80 per cent of all gigs performed in Adelaide, and 69 per cent of all venues being hotels. The heart of this amendment does really go to supporting hotels, so it is a very important amendment and it is certainly one that is well supported.

This bill is an important step in the right direction. We must remove unnecessary regulation, and I welcome any effort to cut red tape, reduce cost of business and encourage the live music industry in South Australia. I encourage the removal of unnecessary regulation across all industries and welcome efforts to reduce red tape.

The current requirements for specific entertainment consent to provide entertainment on the licensed premises is unnecessarily onerous. It is costly and time consuming, and has been a significant barrier to the live music sector in South Australia. This amendment will make it easier for licensed premises to host live music.

For example, restaurants now, under the amendments, could have a guitarist playing in the background without having to seek the consent of the licensing authority to play until midnight. It is incredibly hard to believe that, currently and before this amendment, hopefully, is agreed to by this parliament, if a restaurant anywhere in Adelaide, a private small restaurant, wanted to have an acoustic guitarist playing after 11pm, until midnight—

Mr Knoll interjecting:

Mr DULUK: —one last *Khe Sanh*—they had to apply for special licensing permission. It is absolutely—

Mr Knoll: UnAustralian.

Mr DULUK: It is unAustralian not to have a last plane out of Sydney and, for that to be played, you need the permission of the government. It is certainly about time.

Mr Treloar: What's new?

Mr DULUK: *What's New Pussycat* is another one that might be played after 11pm that previously would need approval of the government.

Mr Bell: *New York, New York*.

Mr DULUK: I love *New York, New York*. There is another one that under the previous regime would need permission. All the pub classics, all the favourite hits, previously needed permission of the licensing authority for that to happen. I am glad that, in 2015, pubs can have music until midnight without needing extra permission. All venues will now be able to host live music between 11am and midnight at their own discretion.

Experiencing live music enriches people's lives and the government getting out of the way of people enjoying their Saturday night is even better—or Sunday night at the Lion Hotel. Live music adds to the vibrancy of our CBD, suburbs and towns. Live music should not suffer at the hands of nanny staters. A classic case of live music suffering at the hands of the nanny state is that of the Austral Hotel. It was first licensed in 1879 and, no doubt, many of us in this place probably had a few drinks in there during our university time. Of course, there was a big argument where a development was proposed for Rundle Street, and the Austral Hotel had to close its live music venue out the back, a venue which had been providing live music for generations, in compliance for new housing.

It really irks me when people complain about live music in hotels, especially when those licensed premises have been there for many a generation. It is a bit like people moving into the suburb of Hilton in 2015 and complaining about the noise of aeroplanes overhead. If you live near a hotel, especially if you move near to a hotel, you need to expect that there is going to be live music and we should not discriminate against those venues that choose to provide live music.

A significant suite of commercial benefits accrue, of course, from a vibrant and prosperous music industry. Live music dependent enterprises receive a financial return on their investment of capital, labour, energy, material and services. Enterprises that provide live music, such as venue owners and operators of hotels, bars, nightclubs, cafes and restaurants, are huge employers of South Australians in the liquor and hospitality industry. Other businesses also benefit from live music, such as accommodation services, retail trade, road transport and communication services. There is, dare I say, a complex ecosystem of financial and social transactions associated with live music. Getting people out and about and enjoying themselves does and will deliver significant flow-on benefits to, first, the individual and, secondly, broader society. There are social and cultural benefits as well.

A study by Deloitte Access Economics, commissioned by the Victorian government, found that venue-based live music contributed to the state's social and cultural landscape. Live music nurtures creativity by providing scope to perform original music. The opportunity to perform live in music venues plays a critical role in developing music careers and incubating talent, as the member for Hartley touched on in saying that we could develop the next Taylor Swift out of Adelaide. Individuals place high value on the social benefits derived from attendances at live music performances, and these private benefits foster social engagement and connectedness, leading to enhanced community wellbeing.

It is important that we continue to identify opportunities to promote the economic, social and cultural values of live music and foster the South Australian live music industry. Licensed venues are critical to the success of this. Enabling simpler means for entertainment and affording musicians the opportunity to gain experience and exposure is supported by the objects of the Liquor Licensing Act 1997. Section 3(1)(b) says:

> to further the interests of the liquor industry and industries with which it is closely associated—such as the live music industry, tourism and the hospitality industry—within the context of appropriate regulation and controls;

The role of live music and entertainment more broadly in providing an active night-time economy, a vibrant city and critical employment opportunities should be paramount. A strong culture in developing musicians is another critical component to fostering a live music industry. It is frustrating and short sighted of this government that it continues to cut programs aimed at developing local talent.

I was frustrated to read that the Primary School String Orchestra and the Secondary School String Symphony, amongst other student ensembles, are under threat from a proposed shake-up of school instrumental music teaching. Cuts to school programs will be another nail in the coffin for the South Australian music education system. VET courses have already been hit, with students unable to enrol for music courses at Noarlunga TAFE, and the University of Adelaide's decision that all its vocational music courses would no longer be offered in 2015 is blamed on declining state government contributions.

We must support the development of local musicians and the creative industries in South Australia. Adelaide's live music scene will suffer with fewer up-and-coming musicians performing around town if we do not nurture grassroots music, and indeed that is beginning at primary school age. The economic, cultural and social benefits of live music to the Australian economy are proven beyond any doubt, and the next step is for this government to invest in its music education and restore South Australia to its stature as the Festival State.

Mr BELL (Mount Gambier) (16:31): I rise today in support of the Liquor Licensing (Entertainment on Licensed Premises) Amendment Bill and I want to talk a bit about some of the issues and some of the things that I think we need to be aware of, and I speak a bit from personal experience. Whilst I was doing my research for this brief contribution, I noticed that in February 2015 minister Gail Gago put out a very good press release on the benefits of this amendment. I guess it does not really surprise me that February was some eight months ago, and we are now finally

discussing it in these hallowed chambers, but it does go to the core of one of the issues that I have with this state government and that is the untimely, some would say glacial-speed, responses to issues as they pop up.

Mr Knoll: Tectonic.

Mr BELL: Tectonic would actually be a far better word than glacial—18 February 2015—wow, eight months. That press release champions the need for this reform and how it will be a very positive effect on the entertainment industry:

> There will be a much simpler process for venues that want to have live music. Patrons will be happy and South Australia will be even more vibrant.

If it was so important I wonder why eight months has passed before we are here discussing it. Of course, one of the issues that we have, and it is highlighted in the press release, is that $500 is the current cost for this application and, again, it is red tape that could have been cut some, I would say, seven months' ago if it had been brought on earlier.

I owned a 200-seat, three-tiered restaurant, so it had three floors and two entrances. One was obviously from the front on the ground floor. The back entrance wheelchair access came in on the second floor. That was back in 2001 and I was a little bit younger then and I certainly had no dependents in terms of children, but my wife and I decided to buy this restaurant and turn it into a jazz bar down in Mount Gambier.

So 2001, Mount Gambier, let's open a steak and seafood restaurant and a jazz/wine bar on the bottom level. My naivety proved to be a bit of an issue as soon as I came up against the liquor licensing commission and the office of consumer and business affairs because I did not realise at that time that to change a venue licence from a restaurant licence to an entertainment licence took an inordinate amount of time—18 months in total.

These were just some of the processes we had to go through. First of all, you make your application and you think, 'This is going swimmingly. They will get back to us in the near future and we can start rolling in the grand piano, putting in the jazz instruments and looking for talent.' So you make your application. Then, of course, councils need to get involved and puts on whatever restrictions and issues and concerns it has, and then it goes to the wider community for a right of objection and to list their concerns.

This was not in a residential area; it was in a commercial part of Mount Gambier, but I did not realise that the right of complaint also went to competing establishments, which might be hotels, entertainment venues and the like. All of a sudden, we found ourselves in front of the liquor licensing commissioner with about four lawyers on the other side of the table, all representing certain entertainment businesses in Mount Gambier. That was our first trip to Adelaide, but there were to be many more because I can be a little bit determined when I think there is an injustice being delivered.

We went back, and next we had to have a sound engineer's report—and I did not even know what a sound engineer was, to be honest. At the beautiful cost of a couple of thousand dollars back in 2001, we acquired a sound engineer out of Adelaide who came and tested the buildings. To be clear, the bottom level that was half dug into the soil, certainly on the back side, was where the jazz was going to be played and the other two levels were going to be restaurant. I spent a glorious 48 hours with the sound engineer doing tests from 6 o'clock in the morning until lunchtime and 9 o'clock at night to midnight, all recording sounds from various distances away.

Finally, after 18 months we received our entertainment licence with a list of about 11 conditions that made it absolutely impossible to conduct anything other than an acoustic-type environment. We could not have an amplifier of any sort or anything over a three-piece ensemble. What a complete and utter waste of money and time that was. It certainly taught me a good lesson about bureaucracy and the glacial pace at which change will occur.

I am pleased to support this motion that entertainment venues will no longer need to apply for a separate consent between the hours of 11am and midnight, but I would like to see it go further—surprise, surprise. I would like to see the government get out of people's lives, and it is one of my founding principles of small government: light-touch regulation, which I see pop up everywhere, but sometimes the rubber does not hit the road in that area.

I would like to see the complete removal of the need for entertainment consent altogether between the hours of 11am and midnight, except of course when it is prescribed entertainment, and there are special criteria around that.

The Hon. S.W. Key interjecting:

Mr BELL: Yes, this is a circus, not entertainment! I also think this amendment adequately addresses the balance between residents and venues at this time. It does allow any venue to provide entertainment between 11am and midnight whilst also providing residents, via section 106 of the Liquor Licensing Act (Noise—Complaint about noise etc emanating from licensed premises), the opportunity to raise concerns about unreasonable disturbance once it has occurred, rather than it being a pre-emptive ruling that prevents all entertainment.

I would also like to see a strengthening in the act of first occupancy rights, which basically means that, if the entertainment venue has been there for a preceding amount of time and housing then decides to go there, there are some extra rights to the first occupancy ruling. Of course, my big concern, and one we need to watch out for, is this amendment being thwarted by local councils that use planning approvals in the absence of liquor licensing requirements. I think that is something that needs to be monitored as we go through. If that occurs, this amendment will be meaningless if councils apply conditions that these venues just will not be able to adhere to.

Lastly, another part I would love to see addressed at some point is where conditions on an entertainment licence are no longer valid. I can give the example of the Watermark, which used to be Lenny's back in the nineties. Most people from—

Mr Treloar interjecting:

Mr BELL: True—eighties, nineties. There might be some people who remember it a little bit before me. I certainly remember it in the nineties; in fact, it is with shame that I admit that is where I met my current wife and, hopefully, only wife.

Members interjecting:

Mr BELL: You just never know.

Members interjecting:

Mr BELL: Well, first and current and, hopefully, only wife. How did we get off topic so quickly? If you look at some of the conditions around licensed premises, many of them are redundant, but the process to go through to get them removed is costly, timely and prohibitive. I would like to see a sharpening up, an easing of some of those conditions that no longer apply. It can be done in an application to the liquor licensing commissioner to have them removed. The biggest issue at the moment is the fees that are required to get these conditions removed from the licence, and I think that is also a critical aspect.

In conclusion, I support the bill. I would like to see it go further. I think in today's day and age we can make it simpler, easier and more cost effective for those who deal in the trade of liquor and also the licensing reform around it, so I commend it to the house.

Mr KNOLL (Schubert) (16:43): I would like to take this opportunity to acknowledge comrade Gazzola in the gallery listening to this speech. I know that this is an issue quite close to his heart. John Gazzola and I are good ex-CBC boys, having achieved a well-rounded multicultural education, although I think I may be the only Liberal member who ever went to CBC; I think there are a few others from the Labor side—Frank Walsh and a couple of others. It is good to see you here.

In the Barossa, it can be said that we do not necessarily have the ability to cater for all the modern wants and desires of young people, especially in relation to licensed entertainment venues. Although, when I talk to the high school students, the ones who are going to be the newly 18 year olds, it is not necessarily something they want for their community. They are more than happy for nightclubs and things like that to be situated in Adelaide. One of the laments that I do get quite often (and actually the school captains from the Faith Lutheran College are coming in to have a look around the place and for dinner in an hour) is that there is not more in the way of live music entertainment in the Barossa of a Friday and Saturday night.

Indeed, the Barossa is a modern place and is certainly welcoming of international tourists, but apart from the Hungry Jacks do not try to get fed after 8.30, and the only pub in town that is open past midnight is the TH, the Tanunda Hotel, and you get kicked out of there at about 2 o'clock in the morning, I am reliably told—I have never actually been there till that late in the morning; maybe the former member for Schubert has better form on this than me.

Entertainment is extremely important to young people and especially important to young people in my area given the fact that, of the 450 kids who will graduate from year 12 this year from the Barossa, a third of them will leave within six months of completing their SACE certificate. They come to Adelaide for a whole host of reasons and most of it is to do with job opportunities.

Certainly being able to keep them in the Barossa is a good thing, as well as providing live music options later on a Friday and Saturday night (when the rest of us oldies are in bed by 10pm) when they do still feel like being awake and dancing. What is also interesting about this is that, if we are able to open up between 10 and midnight the access for live music acts, it can help to provide a more certain pathway for kids to see a career in music, and the member for Hartley in his expansive contribution talked about potentially uncovering the next Taylor Swift.

In the Barossa we have some really good acts. In fact, last night I was lucky enough to go to the Barossa Regional Awards and listened to the beautiful, soft tones of Cloudy Davey on her acoustic guitar. Interestingly, they shut the venue at 10—maybe Cloudy had something to do with it. Cloudy is a great local musician. My daughter does go to crèche with her kids, but that is by the bye. She is a fantastic local act. We have the Valley Cats (and I mention my mate Steve who comes to talk to me all the time about issues various) who tend to provide entertainment to a lot of the larger functions with a whole range of stuff.

We have got the Barking Ants. We also have Em and Gaz. One half of Em and Gaz is otherwise known as Emily Kroeschel who works at Barossa Valley Cheese, just up the road from my house. She has a beautiful voice and, again, is an emerging young artist who may be able to get more opportunities as a result of this amendment.

This is the second time I have said this this week, but both bills are being ushered through by the Attorney-General, so I hope that this is a trend. He has suggested that this may be a trend, although it does seem that when we introduce new legislation it tends to be more fulsome but when we are looking to subtract legislation it does seem to be little bit more piecemeal, ad hoc and diminutive.

As our leader, the member for Dunstan, is often wont to say, we do not just need to cut red tape, we need wholesale deregulation, and on that I completely agree. My belief is that, if there is red tape where it is not needed, let's get rid of it. This bill goes some way to doing that and getting rid of a superfluous consent process, and that is a good thing.

What I would also say is that, on the other side, we have to realise that we need to balance the need and the amenity of local residents and adequate entertainment for licensed premises is important, but it is also important to recognise the role that councils play. I would like to talk about a situation where a constituent who owns a licensed venue in the Barossa came to me. It is sort of a restaurant-cum-pub.

He came to me and said, 'Stephan, all I was trying to do was have a two piece acoustic set-up on the lawns out the front of my place on a Saturday afternoon.' He said, 'We were going to be done by 6 or 7pm, and really I'm just talking about a couple of microphones and a couple of people with guitars.' But there is a tourism facility on the opposite side of him and the people at the tourism facility objected and objected quite strongly, even though at that tourist facility there is a lot of music and noise that goes on late at night. He was going through the process. He was assured that everything was going swimmingly. In fact, the member for Mount Gambier's story is quite familiar here. He was told everything was okay up until the point it was not okay, and at the point it was not okay it was too late for him to fix anything. Objections had been lodged and his application to extend the licence to include these new conditions was rejected.

I can envisage myself—and I am not a beer drinker—having a nice locally brewed beer from one of the few local breweries that we have in the Barossa on a Sunday afternoon—27° would be ideal, but I will give or take a few degrees either side—sitting there with my wife, with Ruby running

around, listening to some nice acoustic music. I think it is something that does not happen in the Barossa that much and something that could add to the local entertainment scene and, again, provide a more diverse set of opportunities for tourists and locals alike.

I bring that story up because—and a number of members have mentioned—in the submission by the AHA it states:

> Suburban councils have a significant role to play in supporting music in local precincts and it would be unacceptable if the intention of this Amendment is thwarted by local councils using planning approvals in the absence of liquor licensing requirements.

Can I say that I understand and hear those concerns and am fully supportive. In the event that another constituent with a licensed premises comes to me and says, 'Stephan, I am having trouble getting something like this passed,' I am more than happy to take up the fight, provided, obviously, that there are reasonable circumstances. I am more than happy to take up the fight in order to do this, because we owe it to the younger people in the Barossa and we owe it to the tourists who want to come to the Barossa. In a community where we need to balance the needs of all, common sense should prevail, but certainly we cannot close ourselves off to letting those who are doing so in a responsible manner have the fun that they so seek.

With that, Deputy Speaker, I am very happy to support this bill. It is good for my electorate, it is good for the people of the Murraylands and it is good for the people of the Barossa. I look forward to a number of venues taking advantage of this amendment, and I look forward to hearing the beautiful tones of Em and Gaz later and later into a Saturday night.

The DEPUTY SPEAKER: I am wondering if you will get involved if there is karaoke?

Mr KNOLL: No.

Mr TRELOAR (Flinders) (16:52): If there is not, there should be, Deputy Speaker. I rise today to make a contribution on this bill which, as has been pointed out, we support. I have picked up on the contributions thus far that there is an innate fondness for live music right across the board throughout the members who have contributed and beyond.

This bill goes a long way to addressing some of the regulation and red tape that live music has been hamstrung by over recent years. It seeks to cut the red tape and make it easier for licensed premises to host live music. The bill amends the act so that venues no longer have to apply for a separate licence to have live music between 11am and midnight. For example, some restaurants could have a guitarist playing in the background without having to seek the consent of the licensing authority, which is the situation at the moment.

Pubs, clubs and restaurants right across this city and across this state currently have to apply for a separate licence, and the details of that are quite onerous and quite direct, so it is looking to remove the provision for that and change the bill. As it is currently, it requires a licensee to apply to the licensing authority for consent to provide entertainment on the licensed premises or, in fact, any area adjacent to that licensed premises.

A lot of consultation has occurred with regard to this. The Music Industry Council, for example, asserts that this provision, that I have just mentioned, is onerous and is, in fact, the biggest barrier to the live music sector in South Australia. We have heard the member for Davenport talk about the significant economic contribution that the live music industry plays right across Australia. I think the number he was talking was around $15 billion per annum, so it is a significant industry.

Of course, there are spin-offs from it. The pubs, clubs, restaurants and hotels that host live music all have a part to play in the bigger entertainment industry. Venues that want to have live music after midnight will still be required to make an application, so that is post midnight, which is fair enough. Licensees will also be required to obtain the consent of the licensing authority if the entertainment is prescribed entertainment as defined in the bill. It is argued in this bill that it will strike an appropriate balance between reducing red tape and maintaining the regulation of entertainment during the hours that noise from licensed premises is most likely to impact on residents, and this is critical, particularly in suburban Adelaide and within our bigger regional country towns where pubs and clubs tend to be intermixed with urban dwellings or residential premises.

The bill is supported by the Music Industry Council, which provided a key submission, and I have already mentioned that, and made recommendations to the government earlier this year. The Australian Hotels Association, of course, is a key player in this and a key host for live music and they are supportive. The LGA has also been consulted. In reading its submission, I see that the Music Industry Council has raised some valid points regarding barriers faced by the live music industry in South Australia, and that includes the current onerous arrangements of applying to the licensing authority for consent.

The DEPUTY SPEAKER: We have already sent for the Attorney.

Mr TRELOAR: Thank you very much. This government talks a lot about a vibrant capital city, but it goes well beyond that, it goes to our larger regional centres and also our smaller country towns which all seek to create a vibrant social life for their residents. The best thing we can do to help with that is to support the live music sector and remove some of the red tape.

The hospitality industry is a big employer in metropolitan South Australia and the regions and some of the best pubs have been mentioned already. I notice the member for Mount Gambier mentioned Lenny's, and many of us here will remember that place, not that I got there very often. It was down at Glenelg, I think, and was a nightclub. It may have even been a disco for a time. The reminiscing is beginning, I think. There are many pubs and clubs, too numerous to mention, so I will not be caught up in that. Although, I will say that a friend and I, being country boys and touring the Eastern States way back in 1983, went to the Bombay Rock on the Gold Coast and saw live music that particular night. The Dead Kennedys were playing. For country boys it was a real eye-opener. They played all their big hits and we had a wonderful night.

There always needs to be a balance between impacting on residents and having a strong live music sector and we believe this bill actually strikes that balance. It has been a long time coming but thankfully we are at a point now where we can reduce the regulation around this. My own children are now out pubbing and clubbing and they talk very fondly about the bands they see, in fact some of their friends play in bands around town and they will often go along and watch them for the evening.

I would like to relate one last personal story in this contribution. I am going to make mention of one of my staff members, Mr Simon Halliwell, who shared with me one day that his mother, way back in the early sixties, was a regular at The Cavern Club.

The DEPUTY SPEAKER: In Liverpool?

Mr TRELOAR: In Liverpool.

The DEPUTY SPEAKER: Her name is not Paula, is it?

Mr TRELOAR: No, her name is Brenda, Deputy Speaker, but as a young lady—

The DEPUTY SPEAKER: And her husband is Paul?

Mr TRELOAR: Paul, you are correct, yes.

The DEPUTY SPEAKER: I know them. It is a true story.

Mr TRELOAR: You know them, so the Deputy Speaker knows Paul and Brenda Halliwell. Brenda was a regular at The Cavern Club and we all know, of course, who played there in the early sixties.

The DEPUTY SPEAKER: The Beatles, just to help you all.

Mr TRELOAR: It was the Beatles, and thank goodness they were not regulated out of the live music industry because the world would be a significantly different place.

The DEPUTY SPEAKER: Well, you know where The Cavern Club was, don't you? It wasn't regulated anyway.

Mr TRELOAR: Yes. I just thought I would share that little bit of insight because I think it is a really interesting story. That story goes back 50 years. Live music continues to be an important part of life in Adelaide and South Australia. It is very competitive, it is not easy for people to get a gig,

and I really do hope that this legislation will allow more people wanting to play to get a gig and more people wanting to hear to have that opportunity.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:00): Thank you very much to all those who have contributed. It has been very helpful. I wish the bill a speedy passage.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LIQUOR LICENSING (PROHIBITION OF CERTAIN LIQUOR) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 September 2015.)

Mr GARDNER (Morialta) (17:01): I rise, as the lead speaker for the opposition in this debate on the Liquor Licensing (Prohibition of Certain Liquor) Amendment Bill, to note that this is one of a range of bills the Attorney has brought to the house in his other ministerial capacities, for which the Hon. Rob Lucas in the other place is the relevant shadow minister.

I appreciate the contributions made by the member for Schubert and the member for Hartley as lead speakers on similarly located pieces of legislation this week, where again the Hon. Rob Lucas is the relevant shadow minister. On the opposition's behalf, I will speak briefly and present our position on the bill, but I am certain that the casual reader of *Hansard* will find a much greater level of detail in the Hon. Rob Lucas' contribution in the other house.

I indicate that the opposition supports this bill. Currently, there is no explicit power under the Liquor Licensing Act for the minister to prohibit the manufacture, sale or supply of undesirable liquor products on general public interest or community welfare grounds. This bill seeks to amend section 131AA of the act to provide a clear ability to exercise this power. In other states, such capacity does exist.

In particular, I believe that Palcohol, or powdered alcohol, is the provocateur that has led the Attorney to consider it necessary that he have the power in his grasp to potentially make regulations. Without wanting to make any comment on any particular substance, I do not feel that it is inappropriate for such a regulatory power to exist. If, as a result of this bill, the minister chooses to exercise their power under the act, they must give manufacturers, importers and distributors of the certain liquor at least seven days to comment on the proposed prohibition.

A temporary notice of 42 days of prohibition can be issued through the *Government Gazette*. Following this, the government would issue a regulation for a permanent ban, which would obviously be disallowable by either house of parliament; so, in relation to any particular substance the Attorney or the relevant minister may seek to regulate in that way, the house would then have that available to consider. This bill therefore has the support of the opposition, and I am sure that it will pass through the house at a pace dictated only by the length of the Attorney's response.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:04): Can I thank the honourable member for Morialta for his brief but highly relevant contribution, and can I say that he sets a shining example for some others who might benefit from studying some of his approaches because it is very impressive indeed.

I also mention briefly that I did, in the context of announcing the liquor licensing review the other day at a media conference, actually acknowledge—although the honourable member may not realise this—the honourable member's agitation in this place of the issue regarding minors being exposed to unsupervised alcohol at domestic party-type situations. That specifically has been included in the material to be the subject of the liquor licensing review. I just wanted the member to know that he may not think I listen to him, but I do. It is in there, and I thank him for his contribution.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:05): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (FIREARMS OFFENCES) BILL

Committee Stage

In committee.

(Continued from 24 September 2015.)

Clause 2.

The Hon. J.R. RAU: The point at which we left off was where we had been discussing John, Paul, George and Ringo in an example.

The CHAIR: Member for Morialta, do you have a question on clause 2?

Mr GARDNER: Yes, I do. The Attorney will appreciate that I have not done a lot of these committee stages, so I seek his indulgence if the question is an unusual one. I am interested to know that if the passage of this legislation, which I imagine there is a reasonable chance will conclude in the house this afternoon, and then the council will consider it in their own way, does happen by the end of November, what is the expectation of the government—is the date to be fixed by proclamation the date on which it will be done immediately? Are the regulations ready? When does the Attorney expect that the timing will be taking place? When will the bill commence and come into effect?

The Hon. J.R. RAU: I thank the honourable member for his question. As far as I am concerned, it would be in everyone's interest if we proceeded with getting on with the matter as quickly as possible. I do not believe that there is any lengthy period of consideration required for SAPOL or anybody else in this. They would be made aware of the change in the law and adjust their investigation processes accordingly. If we could get the thing through this year, I would be hopeful that it would be in force before the end of the year, or by 1 January, something of that nature.

Clause passed.

Clause 3 passed.

Clause 4.

The Hon. J.R. RAU: I move:

Amendment No 1 [AG–1]—

Page 2, lines 19 and 20 [clause 4, inserted section 267AA(1)(b)]—Delete 'of an offence against this Act (the *subsequent offence*); and' and substitute 'of—'

(i) an offence against this Act; or

(ii) an offence under the law of another jurisdiction consisting of conduct that would, if engaged in this State, be an offence against this Act,

(the *subsequent offence*); and

Mr GARDNER: The amendment strikes one as sensible. If you are supporting the bill, the amendment seems sensible.

The Hon. J.R. RAU: Perhaps I should put on the record exactly what the amendment means. I do appreciate the opposition supporting it but, for the sake of those people out there at home who are poring over the pages of *Hansard* in weeks to come, it would probably be useful to put it on the record.

The amendment is designed to ensure that the scope of the policy of the bill is not confined to subsequent offences committed within the territorial borders of South Australia but extends to offences equivalent to South Australian offences committed interstate. The amendment was suggested by the Commissioner of Police, and I agree with the idea.

I want to make it clear that a subsequent offence for the purpose of 'criminal liability' is equivalent to the interstate offence actually committed and not equivalent to the corresponding South Australian offence not committed. So, if the gun is used to commit a bank robbery in Victoria, the subsequent offence is equivalent to the Victorian offence, whatever the exposure to liability might be, and not a South Australian robbery offence.

Amendment carried.

Mr GARDNER: Can I briefly indicate in my preamble to my question that, in the course of my second reading speech, I put a great many questions and thank the Attorney for seeking to provide responses to a number of them in his second reading response. What I had expected would be a longer series of questions in committee the Attorney has essentially curtailed by providing some response already. I am hopeful that the bill will survive any consideration by legal challenge but, again, in the second reading we put on the record the concerns that the Law Society, for example, had about the same and the Attorney provided his alternative view.

In relation to clause 4—I do not have it consolidated with the amendments so I assume it is the same still—subsection (1) talks about the penalty for the derivative liability and it is identified that the penalty is imprisonment for a term not exceeding the maximum term that may be imposed for the subsequent offence. A subsequent offence is, of course, the murder conviction or the manslaughter or the other related conviction. I wish to seek clarification from the Attorney whether the penalty will be the same penalty applied for the subsequent offence or an alternative penalty of up to that level which is to be applied by the judge at the time of sentencing for the serious firearms offence.

The Hon. J.R. RAU: I am advised the answer to that is the latter of the two alternatives.

Mr GARDNER: If the conviction for the serious firearms offence, which may be a penalty of seven years or 15 years, takes place prior to a conviction being attained for the subsequent offence, being the manslaughter or the murder, how is the derivative liability penalty to be arrived at? Is it the judge in the subsequent case who has, for example, provided the sentence for the manslaughter or the murder who at that time provides this extra sentence to the firearms offender, or do you bring back the original court that heard the firearms case?

The Hon. J.R. RAU: I will be gratefully corrected if this is not an accurate answer but my understanding of the matter is this. An offender is convicted of a firearms offence of some description by judge A—

Mr Gardner: A serious firearms offence.

The Hon. J.R. RAU: A serious firearms offence, by judge A. They are sentenced to whatever. Subsequently, one of the people to whom they have supplied a weapon commits another offence.

Mr Gardner: Illegally supplied the weapon?

The Hon. J.R. RAU: Correct, yes, and let's say they commit a murder. That second defendant is then put to trial and judge B sentences that second defendant. At the moment that the authorities become aware that this second accused, or defendant, has been convicted of the offence and the connection between the provision of the firearm used in that offence and the first offender, the first offender, who is by that stage already in gaol, would be then charged with a new offence,

which is the derivative offence, and then there is a trial which may be heard by any judge, not necessarily judge A or B because judge B (a hypothetical now) might even be living in Victoria or New South Wales.

Mr GARDNER: Just to conclude for the sake of clarity: if the murder conviction were to come first and then subsequently the person is charged with a serious firearms offence and it is identified that the firearm in question was illegally provided to the person who committed the murder, would the derivative offence be done in the course of the same trial with the murder conviction already having been attained?

The Hon. J.R. RAU: This comes down to a matter of an exercise of discretion by the trial judge as to whether or not it is appropriate for a joinder of those proceedings to be dealt with as a single bundle, or whether the consequence of so doing is so unduly prejudicial to one or other of the defendants that they should travel separately.

Clause as amended passed.

Remaining clause (5) and title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:17): I move:

That this bill be now read a third time.

I thank everybody who has contributed to this and I thank the opposition for their support. I indicate that it has just been conveyed to me that this matter has, since the last time we were here, been the subject of conversation with the Solicitor-General who has confirmed his view that there is no constitutional issue associated with this matter.

Mr Gardner: Which is the same as your view.

The Hon. J.R. RAU: Which actually corresponds with mine.

Bill read a third time and passed.

TATTOOING INDUSTRY CONTROL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 September 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:18): I rise to speak on the Tattooing Industry Control Bill 2015 and indicate that I will be the lead speaker for the opposition. As I understand it there are a number of our members in the parliament who wish to make a contribution in this regard. In speaking on this bill, introduced by the Attorney-General on 10 September, I will say in opening that I was little surprised to see this bill. The Australian Labor Party made an election commitment to ban organised crime gangs through their association with the owning or controlling of tattoo parlours and pawn shops, and there was considerable discussion during a recent raft of legislation—bills that were colloquially known as the 'bikie legislation'—during July of this year.

As members would recall, that related to the extension of control in respect of the consorting of those involved in serious and organised crime and the strict prohibition of certain groups of outlaw motorcycle gangs culminating, in the end, in some 17 groups, or it may have been 10—I cannot remember, it was whittled down a bit—together with a strict prohibition on there being any attendance at certain properties. That was also reduced from the original list.

In the course of the passage and debate of that legislation, the question was raised as to whether the government would be proceeding with two other areas of management of serious and organised crime. One was whether the government intended to follow the Queensland legislation, in particular the Vicious Lawless Association Disestablishment Act 2013, otherwise known as the VLAD

laws. The Attorney-General made it absolutely clear that that was not going to be progressed, and I was pleased to hear it.

Essentially, that meant that under Queensland law if someone was a member of a prohibited organisation and they were convicted of a minor offence they would automatically attract a very much greater penalty as a result of being a member of one of these organisations. The classic example would be that if someone who was in a prohibited organisation was picked up for shoplifting—whilst there might be a small fine attributed to anyone else in the community—because they were in that category, they might suddenly find themselves in gaol for 15 years because of that association. It was made absolutely clear that that would not be progressed.

At the time, I inquired as to whether the government had any intention of banning this association between outlaw motorcycle gangs and the tattoo industry, which similarly had been the basis of legislation, namely, the Tattoo Parlours Act 2013 in Queensland. Again, the Attorney made it clear that that was not going to be progressed. I just make that point because I am not sure why we did not deal with this matter when we dealt with the other bikie legislation, especially in the environment in which it was expressed that it was not going to progressed.

Of course, the reason I inquired about it was because at the time of the election the government made a commitment they were going to do it. Erroneously, I thought that perhaps the government had looked at what was happening in Queensland and thought, 'Well, it might not be a good idea; it might not be effective,' or, 'They're conducting an inquiry which is due to report at the end of the year under the new Labor Premier and, therefore, they were not going to progress it at that stage.' That seemed to be a logical explanation. I was a little surprised that within weeks we had this bill tabled with the expectation that it be progressed independent of the other measures and, I suppose, right on the tail of the conclusion of the other legislation. I think it is fair to say that the ink was hardly dry to be able to identify if, in fact, they were going to be the effective measures that one would all hope they would be to minimise serious and organised crime in the state.

Nevertheless, it is before us and unsurprisingly the first response to this legislation when the government announced that they were progressing with the bill was one of concern that it would affect, potentially, innocent parties; that is, that the definition of who it might capture, or who might be prohibited, ultimately, from operating in the tattoo industry or to own or to work as a tattooist or, indeed, selling tattoo equipment was so broad that it might even inadvertently capture the extended family or associates of someone who was a member of an outlaw motorcycle gang or prohibited organisation or, indeed, had formerly been a member in the preceding five years.

It was unsurprising to me that the president of the South Australian Law Society, Mr Rocco Perrotta, raised this very point and expressed the importance of ensuring that there is a careful advance of prohibition in respect of owning a business, whether it is a tattoo parlour or anything else, because of the effect it would have on the earning capacity of someone in their chosen field.

As if our state does not have a big enough problem with jobs, or lack thereof, as it is and the unemployment rate rising, we certainly did not want to have a bill that would cast a net so wide that it would deprive innocent people of their right to earn a living in their chosen field or in their area of expertise. The answer to how potentially dangerous that would be, that is, to capture the innocent, obviously comes in the drafting. Quite possibly we will need to see how the legislation progresses if it passes both houses of parliament, which I expect it to, as to whether there is a need for any reform to ensure that we do not inadvertently capture the innocent.

I just want to refer to some further information that has been provided in due course that persuades the opposition to support the government's initiative in this regard, to support the passage of this bill, and, as I say, to monitor it and give it an opportunity to identify if it is going to be successful. The fundamental test for us in respect of legislation of this type, especially when it has the potential to exclude people from the opportunity to pursue employment, is that it has to be identified as necessary to deal with a problem, in this case to identify that the tattoo industry has in some way been infiltrated by persons whose activity we need to curtail, in particular, obviously, former members of outlaw motorcycle gangs and prohibited organisations.

Secondly, the proposed remedy to deal with it, which I appreciate is on a spectrum of different proposals to deal with the problem of interrupting, intercepting, disturbing the activity of these

persons, has to be effective for us and its implementation needs to be enforceable. That is the threshold for us. On the face of it, when we received this bill, together with the concerns raised publicly to capturing the innocent, those who felt they may already fall foul of the proposed legislation coming out to speak strongly against legislation, we considered this legislation. Unsurprisingly, as I say, we also saw members of the tattoo industry protest here on the steps of Parliament House. They were concerned that their legitimate activity and their opportunity for employment was going to be interfered with.

Let us then look at what it does and whether it qualifies at that threshold level for us. The tattoo parlour industry is currently unregulated in South Australia. We know that in the pawn shop area there is a regulation under the Second-hand Dealers and Pawnbrokers Act. The government in providing a briefing on the application of this bill indicated that it would provide what it calls a 'negative licensing scheme', and accordingly there would also be some consequential amendments to the Second-hand Dealers and Pawnbrokers Act.

We have a licensing or registration scheme for a number of businesses. We effectively have it for people who operate in hotels; we have very prescriptive regulatory processes for people who operate chemists shops, even; we have restrictions on persons who can be responsible for or dealing with all sorts of things, such as firearms, drugs (legitimate drugs, I am talking about, prescription drugs), gunpowder, dynamite. There are lots of areas, including obviously alcohol and spirits in premises at the Adelaide Oval across to hotels.

The community indicated and the parliaments have responded to the understanding that the community expects some level of control, restriction, to make sure that the young and vulnerable are not exposed to potential danger or the sort of predatory introduction of people to do that, and so we have laws surrounding it. Unsurprisingly, we have a number of these licensing schemes or registration procedures which people need to qualify for to be able to trade.

This was described to us as a negative licensing scheme which basically says that you can, like anyone else, open a tattoo shop, just as you would a delicatessen or any other business, and you would only be prohibited from actually operating it if you were in certain categories, and the prohibition to operate is regulated by there being very significant fines and consequences—including imprisonment—if you trade when you are within a certain category; as many would know, that relates to whether you are a member of a prescribed organisation or have an association with one.

In short, it was presented to us that this would mean that, of all the tattoo industry operators at present, there may only be a relatively small percentage who would be affected by this legislation, and they would be the ones who would be the subject and the target of the government to shut down because they are in the category which, obviously, we are trying to rid the industry of.

It was presented as a reduced red tape option. So instead of making everyone register and going along and establishing that you are a fit and proper person to do it, in this way only the people who were in the category under the definition of the act would have to close down and therefore be under some obligation. In fact, on careful reading that is not the case.

The situation is that every year the people who operate these businesses will need to record and provide updates when appropriate of the places that they operate, the personal particulars of the owners or directors and the personal particulars of employees. So, be under no illusion: everyone who is in the business is going to have fill out forms. Do not be fooled by the government's pretence that this is in some way some sort of reduced red tape option. The government can call it whatever it likes, the fact is that everyone will have to comply.

Hopefully, for those who are operating and who are innocent of any association with the prohibited organisation world that has some association with serious and organised crime that that will be minimal but, be under no illusion: they will have some obligations.

Essentially, the bill also provides two categories where someone will be automatically and permanently disqualified if he or she is a member of a prescribed organisation, a close associate of a person who is a member of a prescribed organisation, the subject of a control order under the Serious and Organised Crime (Control) Act 2008 or disqualified from providing tattooing services under a law of the commonwealth or any state or territory, or is a person of a class prescribed by the regulations. That is one group. It is automatic and it is instant. In that regard, we are told that, if this

legislation passes, the existing operators in the tattooing industry will have a grace period once it comes into operation. Six months was considered as a reasonable period, but that will be a matter for the government.

As I understand it, if the bill passes, the intention is that each of those operations in the industry at present would receive a notice of the passage of the law and, should they qualify or be under the umbrella of the legislation, they would have a clear understanding of what their obligations may be, and it may be that they need to shut down their business or have the opportunity to onsell it and allow someone who is not within the restricted category or otherwise automatically and permanently disqualified from holding it. Let's hope that works well, but I think the government is on clear notice that there will need to be some period in which there is an opportunity for those who may fall foul of the provisions to onsell their interests.

The second area is where the commissioner for consumer affairs will have the power to disqualify a person under certain circumstances, including if they have at any time in the previous five years been a member of a prescribed organisation. From our side of politics, we see this as an important component of this regime because it does introduce a separate entity for the purposes of implementing this regime.

In the time I have been in the parliament we have dealt with some firearms registration reform (and that is about to have some more significant reform), and we have dealt with the hydroponics industry, and I think, from memory, at the time something like 50 or so were operating in South Australia. It was felt that there was a close alliance between some of those in the industry and the manufacture of drugs and that it was important to regulate the industry to enable an attempt to exclude from access to moneys the people in that industry who were in the drug-making business.

My recollection is that when that legislation passed, which was to be under the supervision of the police, we discussed the alternative of having the registration and regulation of any business like this under the department of consumer affairs and for it to be independent of the police department, which had a very important investigative role. I suppose to some degree wasting police officers on the regulatory arrangements of a business seemed to me a gross waste of their expertise. It also adds some level of independence and separation of responsibility if we allow the administrative people in the Consumer and Business Services region to be separate from the enforcement responsibility of SAPOL; however, the government took the view that it needed to have responsibility for it.

To go back to firearms, for example, at the moment, on our side of politics we have always accepted firearms as an important area of responsibility. It needed to have strict regulation. It is under a registration system and has been for a number of years (decades now). Whilst it is under review I am not commenting on its operation, but it has been under the responsibility of the South Australian police department and given the nature of the product, handguns and firearms generally, that is quite appropriate.

When we come to this industry, or the regulation of this industry under this model of being a negative licensing scheme, I am pleased to see that in the implementation there is an important role for the Commissioner for Consumer Affairs to be able to deal with the discretionary determinations of disqualification. I should say that the provision under the bill is that if a person within a certain category in fact undertakes tattooing services then they will be doing so facing the risk of a maximum penalty of four years imprisonment for an actual person and/or $250,000 for the body corporate.

The bill also allows the police to enter a tattooing premises without a warrant and carry out general drug detection, using drug detection dogs or an electronic drug detection system. That has also attracted some interest, but I think it is fair to say that if this were any other normal licensing scheme then inspectors, or authorised officers as we frequently call them now, whether they are inspecting water purity or health conditions in a restaurant or whether there has been some breach of the environment act, and this is outside the South Australian police force, have rights of entry and inspection and even confiscation of documents and records to carry out their regulatory role.

So, whilst at first blush the concept of entering a business premises without a warrant seems a little heavy handed it is not inconsistent with the role of a number of our public servants and the powers they have to enter premises for the purposes of inspection and the like. If, of course, during

that inspection there was the exposure of some illegal activity, the same as it would be in a restaurant, the back room of a hospital, or in a tea room at a chemist shop, if there was some sort of operation going on that should not be then they would be, no doubt, exposed and follow the prosecution line.

The government briefing was followed by a briefing by senior personnel from the South Australian police force. I thank the government for making that arrangement for us to discuss with them the position as they see it. It is particularly important because, firstly, they confirmed that it was at their request that the tattooing industry prohibitions which have been presented to us today, and which formed the basis of the Australian Labor Party proposal as an election commitment, came from them and they, of course, support the position of the government that it is to ostensibly assist in the disruption of serious and organised crime. That works on the premise that there is an identified problem in the existing industry.

Can I say that obviously the information that is provided by the police which falls within the category of what I would describe as criminal intelligence will not be repeated by me and I do not expect by any of my colleagues who were present. For obvious reasons, we do not want to be interrupting ordinary police activity. Suffice to say, we are satisfied that, of what we thought was about 80 or 90 operations mostly in the metropolitan area of Adelaide but which they confirm was probably closer to the low 70s, there was a significant minority that did have a direct link with an outlaw motorcycle gang.

The information that we received has not been presented as criminal intelligence to the Crime and Public Integrity Policy Committee of the parliament. I am not sure why, because that is exactly what it is for if there is a problem, and it has been asserted that there is and there has been an infiltration into this industry which is significant, which is concerning legitimate owners of tattoo parlours in this space who are also looking to ensure that their industry is not tainted by the bad eggs. Nevertheless, it has not been and there has been no representation to the Crime and Public Integrity Policy Committee to seek their support.

Perhaps they felt that, because they had the government's ear and commitment in the election, they did not need it, but I just want to remind members that we have an important role in dealing with criminal intelligence in South Australia. It has just been enhanced significantly through the Crime and Public Integrity Policy Committee's new role in the recent tranche of serious and organised crime legislation, and it ought not be forgotten and it ought to be utilised. If the objective is to rid the tattoo industry of the bad eggs, because those who are in it have a close association with a prohibited organisation and in particular have used it for the making or laundering of money or to undertake drug trafficking activity, then we need to look at it.

My understanding is, and I think it is fairly common knowledge, that obviously it has provided a place for those who operate with associations with bikie gangs to be a place of meeting and where, as we read in the paper all too often, there have been shootings and activity nearby which have resulted in people seeking respite into a tattoo parlour. The recent tranche of legislation in respect of consorting and the effective prohibition of outlaw motorcycle gangs congregating in a public place probably have removed that in any event. As I would expect, if the organisations that have now been prohibited still have any membership or presence in South Australia, they are no doubt meeting in each other's lounge rooms, given the last lot of legislation that has been passed.

Can I say that we are satisfied that, in respect of the negative licensing model that is proposed, it is an industry that has been infiltrated. It does harbour activities that we are satisfied we do want to eradicate, and not just for the broader community but for those who are legitimately operating tattoo businesses, and therefore that threshold of having a proposed remedy that will be effective has been met by us.

The final aspect is going to be the enforceability of it. If the government are responsible, if the police are sensible, and I have no reason to think that either will not do this, then the implementation of this should progress in an orderly manner and we will not be causing unnecessary interruption to business or harm to others, either personally or financially. If it does not, though, we could have a very messy situation. As I said, the government is on notice to ensure that there is sufficient lead-up time, that there is a notification procedure, and that there will be sufficient time for the transfer of businesses out of the industry.

There are two other things I want to mention. One is that we can deal with this question of shutting down the access to finance, or a position of laundering money, or a room to conduct illegal activity from this industry to the next industry on this sort of piecemeal basis. It is not beyond the wit of people who are in this industry that we want to get rid of to start up other cash businesses; there are plenty of them.

But we do notice that the pawnbroking industry (which has a registration process, and for which there were fears there was organised crime involved), and the security industry (where people went into the business of providing bouncers and services, and which was already ostensibly tainted with this group), have been demonstrably cleaned up as a result of having this process.

We are satisfied, on this side of the house, that it is worth a go. But, be under no illusion: these people did not come down in the last shower. In many ways, they might not be the sharpest pencils in the pack, but they are not fools, and it will not be beyond their wit to think that they can go into the next business. So we might be back here in another six months dealing with another business. It might be beauty parlours, it might be delicatessens—who knows. I just make the point that this sort of piecemeal approach is pretty messy, but we are satisfied, at least for the moment, that there is sufficient desire to have it cleaned up.

The second aspect I want to comment on is that Queensland's new Labor Premier has announced that she has appointed a task force into organised crime legislation. It was, I think, to replace a previous review regime that was being undertaken by the previous Liberal National government that was due to report now.

This new task force will report to the Queensland government on 18 December. It has very comprehensive terms of reference, but it does include a review of the Tattoo Parlours Act 2013 in the two years that it has been operating in Queensland. It is not unreasonable that that be looked at. Suffice to say, it also has to cover all their other anti-organised crime legislation, including the VLAD laws that I referred to before. It appears this was a very significant issue during the last state election in Queensland because the task force instructions start with:

> The Taskforce will note the Queensland Government's intention to repeal, and replace the 2013 legislation, whether by substantial amendment and/or new legislation, and will advise—

and then, etc. This is not just to tinker around the edges, or strengthen, or fix up any aspects that do not work. There was a very significant public groundswell of discontent about the effectiveness and the application of all of this passage of laws in Queensland.

It has been the subject of academic comment. It has been the subject of court proceedings that have been aborted or abandoned, which has been a very costly exercise. Sadly, at least in one case I referred to in the last tranche of bikie legislation debates, it captured a young woman who, ultimately, had charges in this area against her dropped. She was a young mother who had all sorts of awards for community service, for goodness' sake, and had been caught up in this because of having a cup of tea or coffee, or something, with a person who was a member of a prohibited organisation.

There is a lot of concern and, unsurprisingly, when things do not go according to expectation or people are innocently caught up in things, the public get angry. They expect us as legislators to do these things properly so that we do not destroy people's lives or that it be very costly to them because we have not carefully looked through the implications of what we are about to dish out and impose on the public.

I make the point, as I did in the last lot of legislation, that sometimes it does not hurt to keep an open mind about what other jurisdictions have done, especially if they have done it before, especially if they are going to appoint a high level review of something, and especially if they are going to appoint a task force. It will be chaired by Mr Alan Muir Wilson and include representatives from the Department of the Premier and Cabinet, the Attorney-General's office, the Queensland Police Service, the Queensland Police Union and various other bodies, as you would expect—the Law Society, Bar Association, Public Interest Monitor and the like. These are very significant players in the law enforcement world and any consideration and investigation by them into this whole area should not be dismissed lightly.

It seems to me that, having passed a tranche of legislation—which, of course, we all hope will be effective, and this being due in the next two or three months—we would have some indication of whether things are working alright. It does beggar belief that we are actually here dealing with this right now. In any event, we will see. We are not going to hold up the legislation, as we said in the last lot of legislation, but we do say that, really, there ought to be at least some consideration of what is happening up there.

One of the options for the government is that they could, as we had asked them to do, provide us with at least a copy of the submission the Queensland police force had put to the task force. Quite frankly, they may be saying to their Attorney-General, as their equivalents in South Australia are saying, 'It is necessary to have this type of legislation, but here are a few of the defects, and we think these other things need to be fixed up.'

But, when I make the inquiry, nobody even has a copy of that or any information from the Queensland police force as to how many cases they had actually had an effective operation on, what the consequences were and whether there needed to be some other strengthening or amendment of the legislation, which I just find bizarre. I still call on the government to get that information from Queensland and provide it between the houses because I think the parliament needs to know about this and fix it up if we need to. With that, I support the passage of the bill and trust that it will have an effective impact, as it is intended to.

Debate adjourned on motion of Mr Gardner.

At 17:59 the house adjourned until Thursday 15 October 2015 at 10:30.

Answers to Questions

COST OF LIVING CONCESSION

27 Dr McFETRIDGE (Morphett) (30 July 2015).

1. What does the $2.6 million in additional resources, which were provided for the implementation of the cost of living concession, comprise of?

2. How many individuals/households are currently registered for the new concession and how does this compare to the number of people receiving concessions in the last financial year?

3. How many self-funded retirees who were previously receiving concessions will not be eligible for the cost of living concession?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers): I have been advised:

1. The 2015-16 state budget papers allocate $3.0 million for implementation and administration costs of the Cost of Living Concession (COLC) in 2015-16.

In 2014-15, $0.4 million was allocated towards implementation of the COLC. This figure increased by $2.6 million for 2015-16. This increase will be broken down as follows:

- Database costs: $1,700,000;
- Administrative costs: $240,000; and
- Resourcing costs: $660,000
- (including once-off implementation costs).

2. Eligible home owner occupiers who already received the Council Rates Concession will automatically receive the COLC and do not need to register. Only tenants who were not previously eligible for the Council Rates Concession need to register. Of the estimated 205,000 low and fixed income South Australians who will receive the COLC, approximately 160,000 are expected to be home owner occupiers, and 45,000 tenants. Consequently, the number of individuals/households currently registered for the COLC does not reflect the total number of individuals/households who will receive the COLC.

As at 11 August 2015, 27,914 applications (24,398 mailed application forms and 3,516 online applications) had been received for the COLC for the 2015-16 financial year. This figure will continue to increase as eligible tenants have until 31 October 2015 to apply.

In 2014-15, approximately 196,484 individuals/households (including 21,762 self-funded retirees with Seniors Card) received the Council Rates Concession. In comparison, approximately 205,000 individuals or households are expected to receive the COLC in 2015-16.

3. An estimated 12,270 of the 21,700 self-funded retirees who received the former Council Rates Concession will not be eligible for financial support through the COLC.

LOW INCOME SUPPORT SERVICES

31 Dr McFETRIDGE (Morphett) (30 July 2015). In relation to the Department for Communities and Social Inclusion low income support program –

1. What is the current status for DCSI low income support program funding for the Aboriginal Legal Rights Movement?

2. Have there been administrative issues with the 2013 tender and, if so, what were these issues?

3. For any administration/funding/tender issues identified, have any outstanding issues been addressed?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers): I have been advised:

1. The Low Income Support Program is a component of the Family and Community Development Program and the Aboriginal Legal Rights Movement (ALRM), is not currently in receipt of any funding from this Program.

2. Due to an administrative oversight in the 2013 tender process, the Aboriginal Legal Rights Movement did not receive direct correspondence from the Department for Communities and Social Inclusion regarding the release date of the tender. However, the tender was promoted in other ways. It was advertised on the Tenders SA website as per normal protocol, and the then Minister for Communities and Social Inclusion issued a media release about the tender on 5 July 2013.

The tender was also advertised on the Family and Community Development Program online portal. ALRM had access to this online portal where information and news about the Family and Community Development Program was posted.

A number of submissions in response to the tender were received from service providers who did not receive direct email communication from DCSI.

3. The Department for Communities and Social Inclusion conducts many procurement processes each year and constantly reviews its processes and procedures for improvement opportunities.

BRIGHTON ROAD RESURFACING

In reply to **Mr SPEIRS (Bright)** (18 June 2015).

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development): I have been advised of the following:

DPTI uses a Pavement Management System to prioritise road resurfacing projects. This system examines the condition of all roads within the Adelaide metropolitan and rural network, in terms of ride quality, age and surface condition. It then provides a suggested program of works indicating the optimum timing to intervene for major pavement repairs or resurfacing works on each road.

Brighton Road between Sturt Road and Ocean Boulevard was assessed in conjunction with other roads across the Adelaide metropolitan area and included in 2014-15 financial year. The ride quality and level of pavement failures on the southbound carriageway were considered worse than the northbound carriageway. To ensure available road maintenance funding is allocated to maximise benefits to the community as a whole, it was concluded that only southbound carriageway would be resurfaced in 2014-15 financial year.