HOUSE OF ASSEMBLY

Wednesday, 25 May 2016

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

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE: ANNUAL REPORT 2014-15

Mr ODENWALDER (Little Para) (11:01): I move:

That the 89th report of the committee, entitled Annual Report 2014-15, be noted.

I will just make a few comments about what the committee did during 2014-15, which seems so long ago now. As at 1 July, the committee comprised of myself, the member for Colton, the then member for Davenport (the Hon. Iain Evans), the member for Stuart, the member for Reynell, the member for Kaurna and the member for Unley.

We had several changes of personnel over the year. On 30 October 2014, the Hon. Iain Evans MP resigned from the committee, and Mr David Speirs, the member for Bright, was appointed. The member for Reynell resigned on 10 February 2015—I was not taking any of this high turnover personally—and the member for Wright was appointed to the committee on the same day.

It is worth reiterating some of the statutory functions of the committee. We had a busy year. As well as having a broad remit to inquire into economic and financial matters, whether self-referred or referred to us by the house, we have specific, ongoing responsibilities under the following statutes: the Emergency Services Funding Act, the Passenger Transport Act, the Gaming Machines Act, the Public Corporations Act, the Motor Accident Commission Act and the Health and Community Services Complaints Act. We held several hearings and tabled a number of reports in relation to these statutory obligations, perhaps most notably in that year the report into the emergency services levy. The committee noted in its report in June that total expenditure on emergency services for 2014-15 was projected to be $255.4 million but was later estimated to reach $260.4 million, mainly due to expenses arising from the 2015 Sampson Flat bushfires.

As well as our statutory obligations, we had a couple of ongoing references during that period, most notably probably early on the National Broadband Network inquiry. On 16 October 2014, the committee resolved on its own motion, a motion brought to the committee by the member for Kaurna, to inquire into and report on the National Broadband Network, particularly in relation to changes to the rollout of that network following the change of the federal government. The committee sought submissions regarding a range of issues, including how its delivery will contribute to South Australia, what policies, programs and other enablers would maximise the benefits, and what impact the structure and schedule of the rollout would have on the state. We received 18 written submissions from private individuals, business groups, education providers, industry peak bodies, local governments, private companies and from NBN Co itself.

As at 30 June, the committee had held eight public hearings, with 45 witnesses representing 28 organisations. We also conducted public hearings, which were a feature of the committee during that period and subsequent periods. There were more public hearings and more regional visits and so, during that time, we visited Port Augusta, Willunga, Elizabeth and, of course, held hearings at Parliament House.

We visited five schools: Port Augusta Secondary School, Aldinga Beach R-7 School, Willunga High School, Gawler and District College B-12 and Fremont-Elizabeth City High School which is now, of course, the excellent Playford International College. This inquiry continued into the 2015-16 reporting period and has since been extensively reported on in this place. I will not go over those arguments again. Next, we resolved on 15 May to inquire into and report on local government rate capping policies. Submissions were sought to identify rate capping policies and practices elsewhere in Australia, including peer reviews of this and other related matters. As at 30 June 2015, the committee had received six submissions including five from local government. At that time, the

committee had yet to conduct public hearings. This inquiry, of course, continues and will report at a later date.

Also during this period, on 11 June 2015, following the airing of a *Four Corners* investigation into the labour hire industry, the committee resolved to inquire into and report on practices in the South Australian labour hire industry. Submissions were sought to help the committee in various ways to identify exploitation and harassment of workers, to look at irregularities in the payment of wages and government levies and to identify various methods by which we could possibly make the industry fairer and safer.

As at 30 June 2015, the committee had yet to receive any formal submissions although, of course, subsequently we have received many submissions and will report on that a later date. It has unfolded into a very large inquiry indeed. I do look forward to the report and I particularly look forward to some of the recommendations when we ultimately bring down that report because it is a very important issue, and I think we can contribute something to making workers' lives a lot safer and a lot fairer.

One of the more interesting things that happened almost immediately after I became Chair of the Economic and Finance Committee during this period was that I also became Chair of the Australasian Council of Public Accounts Committees (ACPAC). It was suddenly my job to host the biennial conference in 2015. This was held at the Adelaide Oval function facility from 15 to 16 April and was attended by approximately 90 delegates from the Asia-Pacific region including India, Samoa, South Africa, Fiji, Indonesia and New Zealand.

During the conference, we looked at community engagement, public policy and performance measurement and the maintenance of public accountability. The speakers and panellists included our very own Attorney-General, the Hon. Roger Gyles QC, who was Chairman of Transparency International at the time, the Hon. Bruce Lander, the ICAC commissioner, and various other academics from Australia and from around the world.

In closing, I want to thank Lisa Baxter and Susie Barber, who I think were our only executive officers during that period, although we had some turnover of staff as well. I want to thank Gordon Elsey, who started with us as a research officer and who is continuing on the labour hire inquiry, particularly, and the rates capping inquiry. I do want to thank the house and the committee staff, not only for their general support but also for their support during the staging of the ACPAC conference, which was a big enterprise indeed. It was bigger than anything the Economic and Finance Committee had ever done on its own before. It utilised all the resources available, and I want to thank people for putting in their own time. I also want to thank, of course, past and present committee members, the current staff and the Clerks for all their good advice at key moments. I commend the report to the house.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I would like to acknowledge the presence in the public gallery today of a fine-looking group of students who I think are from Belair Primary School. We would like to welcome them to parliament today, thank them for coming to visit us and hope that they enjoy their time with us. We hope they go home and tell mum and dad what a great place parliament is.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE: ANNUAL REPORT 2014-15

Debate resumed.

Mr SPEIRS (Bright) (11:08): I rise this morning to speak very briefly on the 89th report of the Economic and Finance Committee of the South Australian parliament. This report relates to the period from July 2014 to June 2015. I was a committee member, as alluded to by the Chair of the committee (member for Little Para), from October 2014 through to the end of that financial year and, obviously, continuing on to the present day.

I think it is interesting to reflect on what our standing committees of parliament do achieve in any given year, and the annual report to parliament provides the opportunity to do so. I really enjoyed being part of this committee: I think it does some quite good work, and we have the opportunity to delve into a range of issues that affect the economic standing of South Australia, something which, as we know at the moment, is not quite what many of us believe it could be. This committee gives us the opportunity to look at that in detail, bring in experts and outside witnesses to talk about various issues and actually undertake a bit of an analysis as to how particular issues and areas impact our state's economic progress. So, it has been good to be on this committee since October 2014.

There are many things in the South Australian parliament that happen because they have always happened. I am very much of the view that the South Australian parliament needs to undergo a process of significant modernisation, and that is across the board. I think there are many things we do because tradition dictates that, and that is a good thing and we should cleave to history and build up a series of traditions and processes over time, but equally we should also continually be looking for ways we can improve systems and improve the processes of parliament.

Part of a symptom of a long-term government and the tiredness that comes with that is, after some time, a failure to shake up the systems and processes of parliament. I am not speaking specifically about the Economic and Finance Committee here, but I think across all our committees there is an opportunity to look at how we could do them better. The member for Little Para referenced the hosting of the Australian Public Accounts Committee Conference back in April 2015.

One thing I learned from that conference was the fact that many of our counterparts overseas and interstate actually have their committees chaired by a non-government member, and that is no disrespect at all to the member for Little Para's chairmanship of this committee: I think he is a very fair and a very balanced Chair and does an excellent job in that role, but I do think there is an opportunity to look at how our committees are formulated in the future and whether they should have a government Chair, because that is not always the case interstate and certainly is not always the case overseas.

I have just returned from a week over in the UK, where I had the opportunity to visit my native Scotland and the Scottish parliament and look at their committee system, a very powerful committee system because it is a unicameral system of parliament in Scotland. Those committees, by and large, were chaired by non-government members and often had a balance of non-government membership so that the government of the day, both interstate and in overseas jurisdictions, did not necessarily have the ability to vote anything that they wanted through on these committees.

Again, this is no reflection on the Economic and Finance Committee, and I am not saying that that necessarily happens there, but I think there is an opportunity in the South Australian parliament to look at our standing committees, look at how they operate and look at ways we can do them better. It has been good to be part of the Economic and Finance Committee over the past 18 months or so, and it has been interesting to be part of several inquires, including the inquiry into the National Broadband Network, looking at the rollout of high speed internet in South Australia and looking particularly at the economic opportunities, which can be grasped as part of the rollout of the NBN, and also looking at ways the rollout could be done better to maximise those economic opportunities.

We had the opportunity as part of that to go on a couple of regional trips. We went up to Port Augusta to look at the rollout of the NBN there, and we also went to the Elizabeth area and down south to the southern suburbs, where we visited Aldinga and Willunga as part of that inquiry. It was a very interesting inquiry to be part of, and I learnt quite a bit personally as part of that process.

The Economic and Finance Committee has had the opportunity, as is always the case, to look at the Sport and Recreation Fund, the emergency services levy process, and then we had two other specific and unique inquiries which have been undertaken by the committee, both of which are continuing to progress at the moment—that is, the labour hire inquiry and the inquiry into introducing a rate cap on local government rates to look at the impacts that that would have on local government and the opportunities that would present for South Australian households.

The rate capping inquiry was one that I had the pleasure of being able to introduce to the committee, and I was very pleased to have bipartisan support in progressing that inquiry which has

been a very interesting inquiry. I know there are differences of opinion on this side of the house, but again we have had an opportunity to have a fairly fair set of hearings. We have heard from councils, individuals, academics and people who have additional external expertise in this space, and that is the benefit of the Economic and Finance Committee. It allows us to step away from the hustle and bustle and the theatre of parliament and delve into these issues in a bit more detail.

The labour hire and the rate capping inquiries are ongoing, and I think the rate capping inquiry is due to come to an end fairly soon, so it will be interesting to see the outcomes of that. I am not sure the two sides are going to reach a unanimous report on that issue, in the same way as we did in the National Broadband Network inquiry; regardless, it has been a good and thorough process.

In closing, I would like to thank my fellow committee members, the current committee members being the member for Little Para in the chair, the member for Colton, the member for Wright and the member for Light; and from the opposition, myself, the member for Schubert and the member for Hartley. I would also like to extend my thanks and gratitude to the hardworking staff of the committee during the period that we are considering (July 2014 to July 2015): Susie Barber, Lisa Baxter and research officer, Dr Gordon Elsey. It is also worth giving thanks to Kendall Crowe, who has come on board to support the committee and who finished up last week after several months of service to the committee. I would like to thank the staff and my fellow members for their involvement in the committee and commend the 89th report of the Economic and Finance Committee to the house.

Mr KNOLL (Schubert) (11:17): I will be quite brief. I am quite excited now to be a member of this committee. It has been an ambition of mine since I came to this place and I am lucky enough to be appointed, not in this period but I was lucky to be appointed earlier this year under the wonderful stewardship of the member for Little Para. I do not think the member for Little Para should take the amount of turnover in MPs and staff in this committee personally. I think he does a fantastic job.

I want to highlight some of the things that have happened between the July 2014-15 year but not go over the ground that the member for Bright went through. On Monday, we are going to be considering the emergency services report for this year. It is interesting that that has already been made public before we could consider it, but that is fine, that is the way it works. I know that I would not be allowed to talk about it until it was accepted by the committee, but that is fine, rules for one and rules for the other.

If I go back over last year, we had the $19 million increase the year before. Last year, we saw another $15.3 million in increases from $261 million to $276.3 million and, as the member for Little Para talked about, it was to do with the Sampson Flat bushfire. It really is quite frustrating that we are considering another 1.5 per cent increase this year. We have now had Pinery, we have had Sampson Flat and then we had Eden Valley and the other associated fires that were around there at that time.

The DEPUTY SPEAKER: We have a point of order.

Mr Knoll interjecting:

The DEPUTY SPEAKER: Just a moment, member for Schubert. Please sit down. We have a point of order.

Mr ODENWALDER: Point of order, Deputy Speaker, perhaps a point of clarification: I just want a ruling on whether the comments should be confined to the period of the annual report we are talking about.

Members interjecting:

The DEPUTY SPEAKER: Order! I apologise; I was speaking to the whip and I was not listening. The remarks should refer directly to the report. I will now start to listen earnestly and hope that the member for Schubert observes the standing orders, particularly in front of our guests in the gallery.

Mr KNOLL: Certainly. It is interesting that the appendix to the annual report actually goes through every report the Economic and Finance Committee has done since 1992, so I think it is within that. Essentially, the two points I want to make are that the previous year we had a $90 million increase and now we have had a $15.3 million increase last year.

Also, what we found at this corresponding meeting that happened on Mondays last year was that the emergency services reforms were being undertaken then by the member for Light, who was the minister at the time. Through the consideration of the ESL for the year it was uncovered that $550,000 was spent on a reform process that was ultimately scrapped. We saw on the front page of the paper yesterday that another $300,000 was spent in the 2014-15 financial year on giving a redundancy payout to Grant Lupton, who was the chief of the MFS, a man who was highly respected and highly credentialled. It was interesting.

I really think the government needs to understand what the term 'redundancy' means. In my understanding, it is when you make a position redundant, which is why it was quite surprising to find out that Grant Lupton was replaced by Mr Crossman less than two weeks later. On 17 March, Grant Lupton formally handed in his resignation, and Mr Crossman was appointed sometime in March—we cannot find the exact date, but it was certainly within two weeks. I think maybe we need to have some basic lessons in industrial relations, and I am sure we can explore that issue further.

We now have a tally of $850,000 that has been spent on the member for Light's flights of fancy, and I fear that there is more still to go. It really is galling. There is a huge amount of goodwill in the community when it comes to paying the emergency services levy, thinking that it goes towards hardworking firefighters and emergency services workers and that it goes to equipping trucks.

It certainly goes to those things, but when it also goes towards projects that ultimately fail like this, and we see solid sums of money wasted on these ministerial trips of fancy, I think that it does not do justice to the goodwill that exists within the community. I certainly implore the government to make sure that it takes care of every cent it takes from the taxpayer and treats the money as if it were its own. I know this next comment will be out of order, but I would prefer not to wait 12 months—

The DEPUTY SPEAKER: Then don't do it.

Mr Knoll interjecting:

The DEPUTY SPEAKER: No, member for Schubert, if it is out of order, don't do it.

Mr KNOLL: Well—

The DEPUTY SPEAKER: No, you have just admitted—

Mr KNOLL: With respect, this is ridiculous.

Members interjecting:

The DEPUTY SPEAKER: I am standing up because no-one is paying any attention to the standing order about interjections and making noise when someone is on their feet. If we can restore order, the member for Schubert can keep speaking. The member for Schubert.

Mr KNOLL: Instead of waiting 12 months, I would like to thank Kendall Crowe now for her work on the committee. I think she is finishing up with us on Friday. I know that she was not there as part of this report, but she has been marvellous and certainly I think extremely thorough and helpful in everything she has done. She has certainly been very helpful to me with a lot of the simple questions that I have had, and I would like to thank her for it, so thank you.

Mr ODENWALDER (Little Para) (11:24): I want to thank the member for Bright and also the member for Schubert for their remarks. The member for Schubert, of course, skated perilously close to the edge of standing orders almost continuously. However, he did remind me—and I will also perhaps break with tradition—and I will thank Kendall Crowe as well, who did step in this financial year to help us out. This is the only opportunity I get to thank her publicly and I do appreciate the work that she did for the committee over the last year or so.

I also want to echo some of the remarks of the member for Bright, which may be surprising to him. I agree that the committee system could stand some looking at. I think that often it is very much weighted in favour of government members, particularly the government chairs. I think there is room in the system for perhaps a bit more independence on the parliamentary committees, which would probably lead to more bipartisan approaches to some of these issues.

Mr Pederick: You'll get counselled for that.

The DEPUTY SPEAKER: Member for Hammond!

Mr ODENWALDER: I beg your pardon?

Mr Pederick: You'll get counselled for that.

The DEPUTY SPEAKER: Member for Hammond!

Mr ODENWALDER: No, I won't.

Ms Digance: He can think independently.

The DEPUTY SPEAKER: Order!

Mr ODENWALDER: I will not respond to the kind interjections of the member for Elder. In general terms, I do agree that sometimes it is frustrating sitting on a committee knowing that some of the conclusions are foregone. I think it does bear some looking at. Perhaps the member for Hammond is right, perhaps I will be counselled for that! But I am happy to wear it because I believe it. In any case, I want to thank both speakers for their contribution and also for their continued contribution to the committee. I hope that both of them will continue on the committee; they are both valuable members, and it is a pleasure working with them as it is with all the other members. I commend the report to the house.

Motion carried.

NATURAL RESOURCES COMMITTEE: REGIONAL REPORT

The Hon. S.W. KEY (Ashford) (11:26): I move:

That the 108th report of the committee, entitled Regional Report—March 2014 to April 2016, be noted.

This is the Natural Resources Committee's first regional report. This report has been written in response to the Premier's letter of 27 May 2014 outlining his charter for a stronger regional policy. As part of the charter, the Premier made a request to the Natural Resources Committee to convene a meeting in a regional location to provide a forum for regional South Australians to put their views on matters relating to the committee's work. As I outlined in my response to the Premier dated 25 March 2015, committee members enthusiastically supported the proposal for the committee to convene in a regional area. Good idea—although I must say, this has been the practice of the Natural Resources Committee since its conception.

The Natural Resources Committee makes regular visits to regions to meet and consult with regional South Australians as part of its statutory responsibilities to consider natural resources management levies and to visit NRM regions to observe the work done under the guidance of the regional NRM boards and the Department of Environment, Water and Natural Resources (DEWNR). The committee takes these responsibilities very seriously. Over the course of a four-year parliamentary term, the committee endeavours to visit all eight NRM regions in order to meet with natural resources managers and community members. The eight South Australian NRM regions are the Adelaide and Mount Lofty Ranges, the Alinytjara Wilurara, Eyre Peninsula, Kangaroo Island, South Australian Arid Lands, South Australian Murray-Darling Basin, South East, and Northern and Yorke.

The larger NRM regions, for example the Alinytjara Wilurara and the South Australian Arid Lands, are especially large and remote. The committee prefers, when time and funds allow, to make multiple visits to different parts of the respective NRM regions to gain more appreciation of NRM issues. The reporting period chosen in the Fifty-Third Parliament, extending from March 2014 to the end of April 2016, has been an especially busy one for the Natural Resources Committee, in part due to the committee's undertaking the inquiry into fracking—unconventional gas extraction—and also its oversight role with regard to the state's eight NRM boards.

Over the reporting period, the committee undertook eight regional fact-finding visits and tabled nine reports relating to its regional NRM responsibilities. During this period, the committee managed to visit six NRM regions at least once each, and members have committed to visit the two remaining NRM regions before the end of the parliamentary term. Much of the information in this report is available in our other committee reports, and all the committee reports are available on the committee's website. Since this regional report was completed in late April, the Natural Resources

Committee has devoted a number of meetings and deliberations on the NRM board business plans and levies for 2016-17. These deliberations occurred outside the reporting period for this regional report and will be detailed in subsequent reports.

I would like to thank members, particularly of this house, for the submissions they have made to our committee talking about issues of concern in their area and particularly with regard to the levies. I commend the members of the committee—the member for Napier, the member for Elder, the member for Flinders, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, and the Hon. Gerry Kandelaars MLC—for their contributions. I would also like to thank the new father, the member for Kaurna, for his work on the committee and congratulate him and Connie on the arrival of Anna Rosina last night.

Honourable members: Hear, hear!

The Hon. S.W. KEY: We have all worked cooperatively through that period. Finally, I would like to thank the parliamentary staff, Patrick Dupont and Barbara Coddington, for their assistance. I commend this report to the house.

Mr PEDERICK (Hammond) (11:31): I rise to speak to the regional report of the Natural Resources Committee, March 2014 to April 2016. I would like to reiterate that this is a well-travelled committee. I think they could certainly shine a light for other committees on what travel needs to be undertaken throughout the state to fulfil their responsibilities. I commend the work of the Chair and her committee in that they do reach out right across the state. They do not mind co-opting members on trips, as I have been able to go on one or two trips with the committee, and I certainly acknowledge that. It really is an interesting committee and it does a lot of good work.

I am not too excited about the NRM levies, but today I want to concentrate on the regional fact-finding visits. I notice that the committee went to Kangaroo Island and that it has been to Millicent and other parts of the South-East with regard to the unconventional gas inquiry. They have been to the Surat Basin in Queensland, and they have obviously toured through my area and the South Australian Murray-Darling Basin NRM region. Part of their South-East tour went to Robe, and they also went to Moomba in the Cooper Basin looking at unconventional gas with the fracking inquiry late last year.

The one trip I was really keen to go on, and I was invited to go on, was the Pinery fireground, Adelaide Mount Lofty Ranges and Northern and Yorke tour earlier this year, in March. I thank the Chair and the committee for almost adopting me onto the committee for the day.

The Hon. S.W. Key: We loved having you.

Mr PEDERICK: Thank you.

An honourable member: He was a mascot.

Mr PEDERICK: Maybe. It was a good trip. It was sad to see the carnage Pinery had inflicted on so many property owners, especially the guys trying to manage the loose sand properties that you just could not do anything with. On the heavier ground, you could tear occasional strips up through a paddock just to try to slow the drift down, but you could not do anything in the really sandy country.

It is just heartbreaking to see essentially thousands of hectares that were just blowing. We have seen that in recent days with the effects of high winds since that time. I am just hoping that the whole Pinery fireground does get some good ground to get those early crops out of the ground so that we get some cover, and especially that sandy soil that is going to take years, I think, to really get back on its feet.

We saw close calls and how people, just by chance, managed to get a private unit to their house. It was the Angus's place where they just managed to save the house by managing to find a ute that still had a bit of water on the back. The house was already alight and they managed to save it. There are tales of farmers droving stock during the Pinery fires, just trying to get them out of harm's way. It is truly inspirational to see what people do, not just to keep their livelihoods alive, but to look after that precious stock and try to get them into a safe place. It certainly is going to be a challenge for many farmers in that area. They are going to be struggling for a while.

I note the committee also went to the Alinytjara Wilurara NRM region, but I am a bit intrigued with the Premier actually feeling that he had the need to write to this committee to—

The Hon. S.W. Key interjecting:

Mr PEDERICK: I know he wrote to all committees, absolutely, but I am just expressing my support again for the work this committee does throughout the regions. I will read the letter into *Hansard*.

Dear Ms Key,

Following the State Election of March 2014 an agreement was reached with the Member for Frome to support stable and effective government.

Part of that Agreement includes the Charter for Stronger Regional Policy.

The Charter outlines the importance of regional South Australia to the strength of the State as a whole and its aim is to ensure that appropriate consideration is given to the regions in policy and legislative decision-making.

Accordingly, I am seeking the support of your committee to convene a meeting in a regional area that provides a forum for South Australians residing in that area to put forward their views on matters within your committee's purview.

Our ambition is that, over the course of this Parliament, the combined efforts of the committees lead to a deeper and more widespread appreciation of the matters affecting regional South Australians for all Members, with at least one forum held each year.

Should you have any enquiries about this matter please contact Mr Jadynne Harvey, Principal Adviser, in my office on telephone...

Yours sincerely,

(Signed) Jay Weatherill

Premier

Well, it is nice to write letters to committees, but to my mind this government—and I am not making a reflection on the Natural Resources Committee now—does little in reality to support regional communities. We saw it with it not accepting the $25 million from the diversification fund, and we have seen it in recent times where the Premier tried to defend not spending road funding money in Liberal electorates.

In the electorates of Goyder and Flinders, in both cases $400,000 was lost because $100,000 in each electorate was not put up in regard to these road funding projects—alas. But we see that in the seat of Giles, right next door to the seat of Flinders, an identical costing project was funded.

Mr Whetstone interjecting:

Mr PEDERICK: Yes, funny about that. How does that happen? Why should the electorates of Chaffey and Hammond have to miss out on $25 million just because they are Liberal seats? That is the question I put to the parliament. We have an area, mainly in the seat of Chaffey but some of it goes through my electorate, where the rail is closed throughout the Mallee. The roads will need massive work, including shoulder sealing and overtaking lanes, to protect the safety of the good people of the Mallee and surrounding areas in their travels on these roads.

I think the fact that the government did not accept money for the regions when it was there shows the sheer hypocrisy of the Premier. I think it is absolutely disgraceful that this money has not been accepted. Yet we see, when it suits the Premier, the Treasurer and the rest of the government, they will spend the money in the seat of Giles. I think that, if that road project got money, that is great, but why is it turned back on the burghers of Chaffey, Hammond, Goyder and Flinders? The government will not fund river link projects or road projects, and I think that is politics at its worst.

The Premier does not support regions, which I think are the last shining light in this state (while we are all always in this place, I note the Minister for Agriculture is here today). Agriculture is one of those shining lights. It has its struggles—we have a struggle with dairy at the moment—but agriculture is putting billions into this state and it needs to be recognised for its contribution. I think it brings in around $20 billion.

We need real recognition. We do not need the money that has been ripped out of it over the years, but we need support for the regions as a whole. The Premier cannot write these bland letters, supposedly keeping up his charter with the member for Frome. In fact, I do not think it is worth the paper it is written on.

In closing, I commend the Natural Resources Committee for the work it does around this state. I will have more to say with regard to the natural resources management levy at a later date, but I appreciate the regional tours, especially those I have been able to attend as well.

Ms DIGANCE (Elder) (11:41): I also rise to support this report. I am a new member of this particular committee, but I would like to make a few comments on what I have viewed. It is a very thorough committee; it takes its time to deliberate and consider, and is very diligent on the matters that come before it.

I have been privileged to be on two of the committee's trips: I have visited the Pinery fire area and was also part of the Nullabor-Maralinga-Ceduna trip. I think the Pinery fire visit was a real eye-opener, and I highly recommend that all members take the time to go and have a look at this area. The devastation and destruction we viewed when we visited this area was overwhelming. I think most of us would have seen fires to some degree in our time, but what we viewed on that particular day was extraordinary.

I think what was really outstanding, aside from viewing the destruction and devastation caused by this fire, was speaking to locals in Wasleys and the surrounding areas, particularly Mr and Mrs Bubner. We all acknowledge the sad loss of life that occurred on that day, but there are so many stories. In fact, Mrs Bubner faced this situation and was unsure whether she would survive—the sheer heartache of wondering whether you would survive such a horrific fire.

Mr and Mrs Bubner were representative of people in that area, and they really demonstrated to me not just their devastation, sorrow, sadness and grief but also their resilience. The resilience they showed was truly outstanding, and they are certainly deserving of our support. I commend them for taking the time to share their experience and to explain what they view as the path ahead of them.

The other remarkable trip that I took part in was a visit to the Nullabor-Maralinga-Ceduna area. I was able to speak with the local people and experience places that I have never experienced before in my life. The example we saw of local people working together and the comanagement structure that they had in place was outstanding.

I am the Presiding Member of the Public Works Committee and, while at times I might joke that we are a very hardworking committee, the Natural Resources Committee is an extremely hardworking committee. I commend the members for all the work that they and, now that I am a part of that committee, we all do. So as the house is aware, the Public Works Committee did undertake a number of trips last year to the South-East, Eyre Peninsula and the Riverland.

We took time to view and review some projects and speak with local people, as well as meet with mayors and CEs of councils. We spent time gathering their information and collating their issues and concerns, and that has been fed back to the Premier as well, as you would all be aware from what we tabled previously in our annual report. With those few words, I would like to commend the work of the Natural Resources Committee and note the report.

The Hon. S.W. KEY (Ashford) (11:45): Thank you to all the members for their contributions this morning. I know there are other members who are very supportive of the work that we do, and I thank them for that. The thing I really love about the Natural Resources Committee is the passion and advocacy on the part of all our members, particularly in this chamber but also in the other chamber, both on a regional level and on a local urban level. I think that is one of the things that keeps us all going on the committee—that there is that advocacy and passion for making South Australia a good place.

I understand the comments that the member for Hammond made about his cynicism with regard to the Premier's direction. However, on another committee of which I am the Presiding Member, the Occupational Safety, Rehabilitation and Compensation Committee, which I have been on a number of times since I first came to parliament, I think it really did give us a boost to go out to

the regions rather than being a committee that just stayed and listened to very good witnesses, but the committee actually had a different flavour.

Of course, our first trip was hosted by the member for Schubert, who is one of the members on our committee, and we have continued to do that work. While it may not be as relevant to the Natural Resources Committee because of the responsibilities we have, it did give a bit of a green light to other committees to think, 'We should be doing this, too,' so I think it gets a tick on that basis.

I think it is also important to remember that we have a lot of cooperation from members in this place in particular, so I would really like to thank them and the relevant ministers. The Minister for Agriculture, Food and Fisheries is here with us today and he has always supported our committee. The Minister for Environment, Water and resources, the Hon. Ian Hunter, has also supported our committee. We have had a number of meetings in camera with those ministers, and this has been the history of our committee going right back to the Hon. Diana Laidlaw, who made it clear that she was very happy to meet with the committees and talk to them about some of the ideas that she had.

We welcome not only the obvious support from members but also shadow ministers and ministers talking to us about some of the things on their agenda that we would want to know about. My view is that committees should be used so that everybody in parliament can feel as if they are their committees and that we come out as much as possible with nonpartisan recommendations that can be used by the community.

I think it is good to go on site visits, but what happens after those site visits? Whether recommendations are taken up is the other challenge. I am certainly keen, as are the other members of the Natural Resources Committee, not only to do good reports, which I think we do but also make sure that we follow up on some of the issues that are of concern to people in South Australia, and to do good as a committee. I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: VETERANS' MENTAL HEALTH PRECINCT TRANSFORMING HEALTH PROJECT

Ms DIGANCE (Elder) (11:50): I move:

That the 546th report of the committee, entitled Veterans' Mental Health Precinct Transforming Health Project, be noted.

The current Ward 17 was built in the 1940s and is in need of redevelopment to better meet the clinical and social needs of veterans, as well as improve the nursing and caring environment for the medical and associated staff. To consider the current and future veteran mental health needs, the post-traumatic stress disorder expert reference group was established in March 2015. It comprised key stakeholders including veteran representatives, consumers, care and support groups, research and training representatives, and, of course, clinicians from the current Ward 17.

The group considered the advantages and disadvantages of eight possible sites to provide services to meet both clinical and non-clinical needs of current and future veterans. This included the model of care required to cater for the current Ward 17 and post-traumatic stress disorder unit. Following the consideration of these eight sites, the reference group advised the Minister for Health that the Glenside health service precinct was the best fit with respect to all clinical and non-clinical criteria.

The new veterans' mental health precinct will be built on the south-east corner of the Glenside site, on Eucalyptus Drive. It will incorporate the existing intermediate care centre as part of the southern end of the new building, and the heritage-listed old operating theatre building to the north of the new building will form part of the precinct and accommodate the partnerships groups. The cost of this project is $15 million (GST exclusive) and will provide:

- inpatient bed accommodation for up to 24 patients in single bed rooms, each with ensuites;
- activity rooms, kitchen area and dining facilities for patients;
- consulting rooms and interview spaces;

- outpatient amenities, including group therapy rooms and gymnasium;
- staffrooms and amenities;
- provision for teaching and research facilities;
- landscaped outdoor spaces, including memorial spaces;
- provision for service providers to be located on the site; and
- staff and visitor car parking, including provision for disabled consumers.

The facility will provide areas for visitors including appropriate family-friendly areas to allow families and children to visit patients. The new building will also provide reconfigurable space to allow for future needs as well as the flexibility to provide a female-only area, should the need arise.

The larger Glenside precinct incorporates other health facilities, including a mental health and substance abuse hospital and a drug and alcohol outpatient facility. Also located at the precinct is the South Australian Film Corporation and the Adelaide Central School of Art. There is also residential housing and large community and recreational open space in the precinct. The new veterans' mental health precinct will be well suited to the location, complemented by the surrounding facilities and open space.

There has been much interest in this project by veterans. The committee appreciates there are some concerns in the relocation of the facility from its current site at Daw Park to Glenside. Given the consultation and thorough process that has been undertaken by the reference groups and the department to determine the current and likely future needs of veterans, the committee was satisfied that this new facility will meet the requirements of current and future veterans.

However, I draw the attention of the house to the tabling of an accompanying minority report, which is the first I have experienced as Presiding Member of this committee, and I am sure the member for Finniss and/or the member for Chaffey will elaborate on this when they have their turn to speak. I emphasise again that this particular project of the Public Works Committee was unanimously supported, with bipartisan support. I also recognise that in the gallery on the day we had the hearing were some supporters of the Save the Repat group. I spoke with most of those supporters post hearing, and they were supportive of the facility.

Construction work is due to commence later this year, with completion in September 2017. I would like to thank my fellow committee members for their contribution and consideration of the project, and I also thank the committee staff for their work. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to the parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:54): I thank the member for Elder for her comments. The member for Chaffey and I took a very active interest in this. The member for Elder did mention the gallery on the day. There are a lot of very, very cranky vets—a lot of them. They are very cranky, and they do not feel as though they have been taken into the fold on this. They feel as though they have been excluded to a large extent. When comments were made, during the meeting, by the delegation at the other end of the table, they shook their heads. They were not consulted, they wanted to know who was consulted, and they are cranky.

They are as cranky as they can possibly be, and rightly so—to the extent that the member for Chaffey and I, and I think one of the government members as well, were having notes passed to us throughout the hearing indicating the discontent amongst the veterans and their wives who attended. At the end of the day, it made for an interesting hearing. We got on with the job and asked a series of questions, and the outcome is: what will be will be. However, we do not necessarily say we are happy with it. I think I will probably close there because I know the member for Chaffey has some comments to make.

Mr WHETSTONE (Chaffey) (11:56): I too rise to acknowledge the Public Works Committee Veterans' Mental Health Precinct Transforming Health Project. It was disappointing. Obviously, the Transforming Health project has put the budget before patients. It is focused on reducing costs, but

it has also had a huge impact on what is happening to our veterans, our mental health precinct, and it really has raised a lot of questions.

In brief, yes, the minority report was put forward by the member for Finniss and I. We were not satisfied that the report accurately addressed a number of issues of concern in relation to the project, and nor were we satisfied that the report provided an accurate account on the way the government has progressed this project since it was first announced in February 2015. As a member of the committee, I was disappointed in the government's failure to deliver this redevelopment at the Daw Park site. On the basis of the evidence presented to the Public Works Committee, we have strong concerns that the proposed redevelopment does not meet the government's commitment to ensure that services at Glenside are as good if not better than those at Daw Park.

There were a number of issues, and I am sure the member for Bragg will use some of her valuable time to make comments. One of the issues is that there is no provision to use Australian steel—none. There is a recommendation that people be accredited to Australian standards, but there was no provision. That did raise eyebrows. One of the parts that I was very concerned about was 'unnecessary' care. The report states:

> The Government's formal submission to the Committee asserts that the project will allow SA Health to 'improve safety and quality of care to consumers' and that such improvement will be demonstrated, in part, by a reduction in 'unnecessary care'.

There was no proof, no evidence, of whether they could find a reduction in 'unnecessary care'. There are many concerns. I take extreme care in putting in a dissenting report, but sadly it was done for the benefit of those people who are missing out on those services. I acknowledge the report and I still feel a lot of concern about the health services provided at Glenside.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:59): I rise to speak on the Veterans' Mental Health Precinct Transforming Health Project from the Public Works Committee—

The DEPUTY SPEAKER: I just remind you we are nearly at midday.

Ms CHAPMAN: —and disclose that I am a patron of Grow SA and a member of the Defence Reserves Support Council. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Resolutions

NUCLEAR FUEL CYCLE ROYAL COMMISSION

Consideration of message No. 92 from the Legislative Council.

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (12:00): I move:

That the members of the House of Assembly on the joint committee be Ms Digance, the Hon. T.R. Kenyon and Mr van Holst Pellekaan.

Motion carried.

The Hon. G.G. BROCK: I move:

That this house—

(a) concurs with the resolution of the Legislative Council contained in message No. 92:

> That it be an instruction to the Joint Committee on the Findings of the Nuclear Fuel Cycle Royal Commission that the joint committee be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the joint committee prior to such evidence or documents being reported to the parliament.

(b) agrees with the proposal to enable strangers to be admitted when the joint committee is examining witnesses unless the joint committee otherwise resolves, but they shall be excluded when the joint committee is deliberating.

Motion carried.

Bills

RETIREMENT VILLAGES BILL

Committee Stage

In committee.

(Continued from 24 May 2016.)

Clause passed.

Clause 20 passed.

Clause 21.

Dr McFETRIDGE: Clause 21 is 'Information to be provided before residence contract entered into'. The select committee was very concerned about the ability for prospective residents to be able to understand the contracts, the intricacies and permutations. We obviously looked at proforma contracts, and there were some examples of proforma contracts in New South Wales.

The other thing we talked about, and perhaps the minister can tell the committee, is that if a resident chooses to lease a unit before they actually move in, does this act preclude that from happening? Are there any safeguards for people who enter into a lease arrangement, then being bound to continue to reside there and pay the premiums that are required? What will be the effect of the information that is being provided on the actual terms of the contract?

The Hon. Z.L. BETTISON: Thank you, member for Morphett. In short, yes, they can; therefore, they would have a rental agreement for that independent living unit. I understand it is often considered a 'try before you buy' to see if the lifestyle is what you want in a retirement village.

Clause passed.

Clause 22.

Dr McFETRIDGE: This is the clause, Premises condition report. The select committee received a lot of information about the inspections of premises and who was going to undertake repairs of premises. There was considerable concern that some operators of these facilities were using their own contacts, their own contractors, and some of the rates were quite high, to say the least. We heard examples from the member for Bragg yesterday the cost for changing a light globe could be $50.

Most of these people who are residing in retirement villages nowadays have limited incomes. They are not multimillionaires, not that I am aware of, so they want to be aware of their opportunities perhaps to choose tradespeople or contractors to undertake repairs, obviously to the satisfaction of both parties (the owners and the departing residents). They need to be well aware of who will be responsible for repairing or replacing items.

Some of the examples of what could be considered just normal wear and tear being passed on as something having to be paid for by a departing resident seemed unfair to the resident. Are there going to be checks and balances? Are the residents going to be protected, and are the operators also going to be protected?

The Hon. Z.L. BETTISON: With the greatest respect, member for Morphett, I think we are putting two lots of concerns together here. Clause 22 focuses on the premises condition report. I recall that this was discussed in the select committee. People were often under lots of pressure, and at the moment they often have to do that on entry and on the signing of the contract: you sign the contract and you agree to the premises condition.

One of the concerns was that often it was not until they had got into the residence that they recognised there were things that were not to the standard they had agreed to. It is now within 10 business days of a resident being entitled to occupation of the residence that they both sign the premises condition report; that is the focus of clause 22. I think the issue you talked about was transparency into costs and things like maintenance, and that is one of the things that will be discussed within the annual report that is put towards the residents.

Dr McFETRIDGE: In clause 22(2)(b), 'who will be responsible for repairing or replacing an item', there has been significant concern and, from what the minister has told us, I hope that it will be something that will be clarified because it is significant.

Mr DULUK: Also on clause 22, some people who have contacted me have asked for approximate periods for replacement of capital items to be included in this section—for example, 15 years on carpets. Will that be included so that residents who possibly enter a unit, at, say, 10 years into the 15 years, know that they will have to replace the carpets in five years' time?

The Hon. Z.L. BETTISON: I thank the member for his question. This was raised during the discussion and submissions. After much consideration, we did not think it was appropriate to put certain time limits on things—for example, to say that carpets must be replaced after 15 years. What we generally saw in the industry was that when that independent living unit turned over, whether it be seven years or 15 years, there was a refreshing of the contents, so we have not included that in the bill.

Mr DULUK: But there are some instances when the villages have made new occupiers refurbish a whole new unit even though items probably did not have to be replaced. If we put this into a time frame around capital or disclosure, at least, of capital items and when they do need to be replaced you will not see some village operators mandating that a unit needs to be refurbished even though there is nothing wrong with the capital items.

The Hon. Z.L. BETTISON: We feel satisfied that that would be accurately accounted for in the contract. We have often seen that that is reflected in the buy-in price, so our lower cost entry might have not brand-new furnishings, for example. So we are satisfied that will be articulated in the contract.

Clause passed.

Clauses 23 and 24 passed.

Clause 25.

Dr McFETRIDGE: In relation to ingoing contributions, clause 25(1) provides that the contributions must be held in trust. I was surprised to hear that in some cases this has not been the case in the past. I thought that with most real estate transactions now, if money was handed over before the transaction was finished it was being held in trust, and certainly it is good to see that this has been put in and there is a significant penalty for people who do not comply with this clause.

The question is: can you give the committee a brief overview, for the benefit of the committee, of the basic business model for the average run-of-the-mill retirement village, and explain the deferred management fee and exit entitlements?

The Hon. Z.L. BETTISON: Clause 25 specifically talks about ingoing contributions; I think you are asking about the whole model?

Dr McFETRIDGE: The ingoing contribution is a concern for everybody who is going into these facilities, and so for them to have an understanding of what they are going to put in and then what they are going to get out I think is something that needs to be explained. We can either do it here or we can do it in clause 26.

The Hon. Z.L. BETTISON: Perhaps I can clarify what will be considered as part of ingoing contributions, which is covered in this clause. It is a payment made by, or on behalf of, the person in consideration of becoming a resident in a retirement village. But that does not include recurrent charge and exit fees, a special levy and any other payment excluded by the regulations from the ambit of the definition of ingoing contribution.

I think what you are touching on here is what we aim to achieve in the disclosure statement. The disclosure statement will cover ingoing fee, fees during the course of your stay, and on exit. As I spoke about yesterday, there are different models about how villages operate. The loan licence or licensed occupier, is the most common used model, where you make an entry payment, so that is your ingoing contribution, at market value, and then there are fees and charges upon leaving, and that may include a share of capital gain. I think that is what you are concerned with, and obviously

there is also the donation entry, which is a low-cost entry premium which reduces the return after the first five years, and after five years no refund, and also the strata title model.

The key thing, which was articulated quite strongly, is for people to have their eyes wide open. So, while you might have a variety of models in retirement villages, we want people to be clear about what that model then entails going forward. So the ingoing contribution, as part of clause 25, covers part of that, but the disclosure statement would aim to articulate that quite clearly, so people are very aware of what those costs will be.

Clause passed.

Clause 26.

Mr DULUK: On clause 26(2), I just want to know, minister, how the 18-month period was derived in this section and what data has been used to form the basis of this sort of broader policy decision.

The Hon. Z.L. BETTISON: I thank the member for his interest. When we put out our proposed bill in 2015, the requirement was that the operator should repay a resident's exit entitlement 12 months after the resident vacates the village, if it was not relicensed any earlier. What we wanted to do was provide assurance, so the focus is on consumer protection, to residents of when they would receive that exit entitlement, and encourage operators to remarket a residence to the best of their abilities.

The 12-month statutory repayment was well received by residents, but many operators raised with me their concerns about this impact, with a particular focus on smaller and regional operators meeting the repayment requirements, and there was concern that this might lead to the sale of residences at discounted prices to meet the time frame, disadvantaging both the residents and the operators. Operators raised some concerns that it might limit the ability of retirement village developers to borrow funds.

I was given that information, and also some data that the Property Council shared with me that, on average, it takes 315 days to relicense an independent living unit. That is from go to whoa, from the moment that villager says to the operator, 'I would like to leave the village. I would like to relicense.' That is a little bit less than 12 months, so then to have an additional six months has been acceptable, with some reluctance I could say, to SARVRA—they prefer the 12 months—and other groups. We have obviously talked to ACS. The Property Council have been very clear. They wanted no statutory repayment, and they were not prepared to negotiate on that.

One of the other areas that I looked at, though, and I think one of the greatest issues, was that we often hear that people are very happy in retirement villages and that hardly anyone wants to leave. While that might be so, I think it is very complicated to leave. Many people pass on from a retirement village or they may go into residential aged care, but if you decide that it is not for you that might be triggered by the death of your spouse or changes to the village or changes to what you want to do, it is very complex.

One of the key areas was that from the moment you said to the operator, 'I would like to leave,' you had to leave. If that took five years or three years to relicense, you then had to rent another property in another location. I do not know about your experience with this, but from my experience talking to many of the residents they had put most of their money into their asset—the licence. They did not have a lot of cash flow to rent separately, so one of the areas I proposed to change after the issue was raised was that the resident may also choose to remain in occupation while the residence is being relicensed, and that changes what currently happens.

What we are endeavouring to do here is strike that balance, and that is what we want to do. We want to provide certainty about the ability either to remain in occupation or move out while it is relicensed, and also an incentive for the resident to work in conjunction with the operator to achieve this sale.

Mr DULUK: Thank you, minister, but my question was about what data was used, not what process was followed. I appreciate the process but, once again, I ask: what data was used? The only data I seem to be able to find is the turnover of properties that was received from the Property

Council. What other data besides that turnover was used? What economic data about the state of the economy or the desirability for accommodation was used? Will you release that data as well?

The Hon. Z.L. BETTISON: As I am advised, data was also gathered on the general real estate market and the time taken to sell properties, as operators indicated that the general real estate market impacted on the time taken to find a resident to purchase a licence to reside.

Statewide data was sought from CoreLogic as to the average time residential properties—both houses and units—were on the market by suburb for the last 10 years. The CoreLogic data showed that the average number of days on the market for metro areas was 76 and the average number of days on the market for rural areas was 117. Overall, the average was 83 days.

Mr DULUK: Are you happy to release that data and table it?

The Hon. Z.L. BETTISON: Obviously it is on *Hansard* now.

Mr DULUK: Are the data looked at in terms of why people are leaving—whether they are leaving to go to higher care, or because they want to go back into their owner-occupied or because they have gone to a better place?

The Hon. Z.L. BETTISON: We do not collect the detail of that data. In fact, we have actually found that, within the industry, they keep that data fairly closely to themselves. What I can say is that, when we discussed these issues with the Retirement Villages Advisory Committee, the opportunity was there to put forward their own experiences. When I held my 13 forums, I think many local members, yourself included, said that many people enjoy living in retirement villages. There is security and community, but there is a lack of transparency. I am not saying that people do not enjoy living there, but I want to look at the balance between the rights of the consumer and the capacity of this industry to go ahead.

The Hon. P. CAICA: I have a couple of questions on this clause. The minister clarified that the period of 12 months in the draft 2015 bill has been extended to 18 months. Clause 26(2)(b) of the bill provides for the 18-month period, but clause 26(7) provides that the tribunal may, on the application of the operator, extend that 18-month period 'if satisfied that special circumstances exist'. However, there appears to be no limit specified as to the extent of the additional time the tribunal may grant, and my constituents are regarding that as indefinite. Could you please respond to that?

The Hon. Z.L. BETTISON: I thank the member for Colton. The bill does not restrict the tribunal on the length of time, if any, that the tribunal may extend the statutory repayment period. The South Australian Civil and Administrative Tribunal (SACAT) is a judicial body and any decision made is considered and determined on each circumstance, weighing up the benefit or detriment to each party.

In considering any extension, the tribunal advised that they would consider why the situation has arisen. Is it for reasons essentially unrelated to the administrating authority? Has it arisen due to unscrupulous behaviour of an operator? Is it a one-off or is there a consistent problem with the village concerned? Is the village a small not-for-profit or does it have the backing of a large corporation? These are only some of the considerations made by the SACAT, and it is appropriate that we do not restrict its ability to deal with a matter in the most appropriate way.

The Hon. P. CAICA: I thank you for the answer. The previous bill, I think, used the terminology 'serious financial hardship'. That has been replaced by 'special circumstances'. Again, I cannot see, nor can my constituents, any definition of what special circumstances means under this clause.

The Hon. Z.L. BETTISON: Without prescribing the grounds on which the SACAT could make a decision, exceptional circumstances could be a natural disaster—for example, an earthquake. In recent times, we have seen the significant impact of an earthquake on Christchurch in New Zealand. But I would leave it to the SACAT to determine what those exceptional circumstances would be.

The Hon. P. CAICA: My final question—

An honourable member interjecting:

The CHAIR: Order! We cannot hear the member for Colton if someone is going to talk over him.

The Hon. P. CAICA: I will speak very loudly, ma'am.

The CHAIR: No, you will not have to, because this person is not going to keep talking loudly.

The Hon. P. CAICA: Thank you very much, ma'am. Minister, has any consideration been given to the fact that there might be an increase in the number of references, if you like, to the tribunal? Has any modelling been done to show, in view of the change from 'serious financial hardship' to 'special circumstances' and the decrease from 24 months to 18 months, whether it is likely or possible that there will be a substantial increase in the number of applications being made before the tribunal by operators and their legal representatives anxious to take advantage of the time alternatives offered to them in relation to their exit fees?

The Hon. Z.L. BETTISON: Perhaps in order for me to answer that question we should have a consideration about what happens now. Many operators already have a repayment clause within their contracts. Let me give some examples of those contractual terms across South Australia. Let me be clear, though, that that contract might not be the same for all villagers in the same village. One of the things we have come to an understanding about, particularly when villages have been sold to different operators, is that within 100 households in a village you may have people who moved in on a certain date and they will have specific contractual terms, whereas people who moved in five years later will have different contractual terms because it was a different operator.

So, to give some examples: with a not-for-profit metro operator with more than 1,500 residences and nearly 100 villages, any refund dues are repaid within 30 days of the residence being returned to the operator. With a full-profit metro operator, with more than 1,000 residents and more than a dozen villages, exit entitlements are repaid within 12 months of the resident vacating the village. With a for-profit metro operator, with nearly 2,000 residents and about a dozen villages, it is generally 12 months after the resident vacates the village. A regional council operator, with seven residences in one village, is 90 days after the resident vacates this village.

So, when you say to me, 'Do you think SACAT will be called upon often?', I do not expect that will be the case. We envisage that 18 months is a reasonable time within which an operator should be able to relicense a residence.

Dr McFETRIDGE: This particular clause has been quite contentious. The exit fees and procedures, obviously, in very many cases depend on the ability of the owner-operator to sell or relicense the unit. For the benefit of the committee, I will just read the notice that was given to one of my constituents by the owners of a village he was in. He wanted to get out. I gave the example of this particular fellow's circumstances: he paid $220,000 in 2009, in 2015 the capital value was $235,000, the exit fee was $82,250, the remarketing fee was $7,050, the reinstatement costs were $7,810, recurrent charges (he did not know what they were) were to be advised, and there was a settlement fee of $330. So, he was having to pay—obviously, he has been living there—$97,440, a significant amount.

In the notice of the process of vacating, the operators said that there are really nine steps that they take. The resident or their family contacts the village manager to advise them that they are leaving the estate, then the village manager issues them with a notice of an intention to vacate (an NIV), to be completed and signed. This officially notifies them of the date of vacant possession ('vacant possession' means the property is completely empty and ready for reinstatement/refurbishment) and the keys are handed back. This is an issue because people then have to go and rent somewhere else, or do not have the money yet, and this is what this whole issue of compulsory buyback periods has been based on. That condition then goes on:

> Where applicable we also request a copy of a Power of Attorney, a Will and Probate to ensure the process runs smoothly. We also request that the power be left on to enable reinstatement work to be carried out without interruption.

That has been a concern for people, that they have had to pay the power bills and, with power bills being so high in South Australia, if refurbishment is taking weeks and weeks, or months in some cases, they are having to pay the power bills. I have had cases when contractors have come in and

left the lights on when they have left, so who pays? The person who has vacated. The processes go on:

> Once the signed NIV—

that is, the notice of intention to vacate—

> has been returned to us, the village manager and sales consultant meet with the outgoing resident or their representative (if available) and discuss the reinstatement or refurbishment options to ensure the optimum return and shortest time on the market.

So, they obviously want to sell it, they want to relicense it. They are not licensed real estate agents these operators, they do not have to be, but they can indulge themselves in being quasi-real estate agents. The statement continues:

> A condition report is normally prepared at this time as well. Within three business days of the return of the signed NIV, the premises are inspected by the [owner operators] to determine necessary works to be carried out. A scope of works and a Resale Price Appraisal (RPA) form are submitted for approval.

Interestingly, the resale appraisal form is based on the fact that the apartment has been or will be reinstated as required under the contract. A recent independent valuation of the apartment—and that bothers constituents, and it bothers me, as to how they are valuing the apartments. It goes on here to say that the resale value is the fair market value based on current real estate trends. How do you value an individual unit in an apartment?

There are cases where I have seen other communities that have a council rate applied right across the whole of the property, not individual units or homes. There are lots of complicating factors in this—obviously, the age of the apartment, recent comparable settlements within the particular estate, which are also taken into consideration, and any additions or alterations to the apartment, the location of the apartment and its proximity to communal facilities all affect the cost. The need to be clear about how they actually come down to these values is obviously a concern to the residents who are leaving or who have left through death and obviously then their beneficiaries of the estate. This statement continues:

> Once the RPA is approved the Sales Consultant arranges, within 5 business days, for the builder to meet on site to determine the works required. These quotes are to be received within 14 days of the site meeting.

They are pushing things along to get their place back on the market. Quotes are then approved by a national building manager within four days. Sales administrators will then, within two days, prepare an estimate of any type of exit entitlement fee and a letter to the outgoing resident. Once the outgoing resident signs and returns the estimate of exit entitlement, the builder is issued with a purchase order and work commences. The specified turnaround time for the builder to complete the works is six weeks—and let's hope they do not leave the lights on for six weeks—depending on the level of work required.

Marketing and refurbishment of the unit cannot officially commence until the return of the signed estimate of exit entitlement. Once the work is completed, we inspect the unit and a quality inspection report is signed and the unit is opened for inspection by prospective purchasers. Maintenance fees continue to be payable for up to six months from the date of vacant possession unless sold beforehand, then ceasing on date of settlement of proceeds.

The above processes are dependent on a number of variables; however, the refurbishment is expected to take 12 to 16 weeks—up to four months just to refurbish it—following the signed notice of intention to vacate and the time it takes for sale and settlement. People are waiting, a long time in some cases; we hear of years in some cases. Certainly, in the case where people are wanting to go to another village this is a huge issue for them to be able to access their funds.

At the same time, if you are going to introduce this type of legislation, we need to be able to protect the operators. Can the minister tell the committee: why is this legislation retrospective, not just prospective? What safeguards are in place for small operators? What is the average time that a retirement village resident lives in a unit? What proportion of residents transfer to an aged care facility/another village? How many residences are vacated because the residents die?

I am happy for you to take this on notice, minister. The committee also should be aware of the impacts—or the minister could tell the committee. Have particular impacts been undertaken on

various areas where there are different socioeconomic conditions in regional areas, metropolitan areas, inner suburbs, outer suburbs? What is the ability for owners to go and borrow money from banks? Are banks going to look at the owner-operators differently if they know that they could be subject to a compulsory buyback? The residents and the operators need to know this.

If the minister can tell the committee either now or between the houses give us this information, it would certainly help in deciding what we end up with with this, because this is probably the number one priority for people who own and operate these facilities and also residents who want to live in these facilities or live in them now.

The Hon. Z.L. BETTISON: I thank the member for Morphett for his detailed discussion. He was a member of the select committee, and I know that you followed the concerns of the residents in regard to retirement villages. Can I just mention clause 26(14)? You talked about market value. If a resident disputes the operator's determination of market value, the resident can request that an independent valuation be undertaken, and the costs of that valuation are to be shared equally between resident and operator. I believe that addresses some of your concerns about the residents' rights within the valuation aspect.

Dr McFETRIDGE: Sorry to interrupt but, on that, I know that when we get our rates notices at home there is the Valuer-General's CV on there. Do owner-operators get that? Do they get it broken down into units and then there are the communal areas, the common areas? Is it broken down that way? If not, I am not sure how they do it, actually.

The Hon. Z.L. BETTISON: It does occur at times. It depends on the site and the local council, how they value the site within that. It is not consistent. Some do receive that, and they would have that land value on their rates notice, but others do not have that. There is some inconsistency in this area.

Dr McFETRIDGE: That is the individual unit residents? They get that?

The Hon. Z.L. BETTISON: As I am advised, at some of the sites you would look at the site as a whole and, I think, divide it by the number of independent living units on that site, and some are individual units within that space. It is rated although it is not covered under the Retirement Villages Act; it is under a different act.

Mr DULUK: On subclause (14), why would we not have the individual obtain the valuation report as opposed to having the operator instruct that report?

The Hon. Z.L. BETTISON: There has been much discussion on this point. Obviously, we looked at interstate and different models that were out there. That independent valuation would be carried out by someone from the Australian Property Institute, so they would have to be registered and accredited to do so. We do not think that there would necessarily be an issue if the resident went out and got that independent valuation, but I guess what we would specify here is how you would divide those costs. That would be that the operator would get them and they would divide those costs. If there were concern with that independent accreditation, obviously you could talk to the Office for the Ageing or the Aged Rights Advocacy Service, but we believe we are quite clear here in how those costs would be distributed.

Mr DULUK: The clause says that the owner may require the operator to obtain it. On that as well, has the minister considered bringing in a panel of valuers who are dedicated panel valuers for retirement villages, just like there is in the commercial property sector, where there are dedicated valuers who are known to be experts in that area?

The Hon. Z.L. BETTISON: As I am advised, there are some aged-care and retirement specialist valuers out there already, so it is deemed not necessary at this point to have a panel of valuers.

The Hon. P. CAICA: I certainly agree with the member for Morphett that, of all the aspects of the Retirement Villages Bill, this has been the one that has been most emotively argued and advanced by my, his and others' constituents. I want to give the minister an example: this is not a hypothetical but it actually exists. The parents of some friends of mine moved into a retirement village some time ago and paid $430,000 for entry into this village.

The kids were worried about that amount of money and thought that it was too much, but in the end they said, 'If that's what you want, just go ahead and get it.' The father died some time ago and the mother has since died, but she moved out at around the time of her husband's death, so it has been vacant since September or October 2014. The valuation has plummeted significantly. The proponents or the operators believed that they would not get $400,000 for it and might get only $360,000. However, my constituents are arguing that there has not really been much effort in attempting to sell it in the marketplace that exists at this point in time.

Putting that to one side, my specific question is: they are now, for all intents and purposes, the people who have the licence to occupy based on the fact that it was their parents' property and they will be dealing directly—just as I did with my mum, as I described yesterday—so am I to assume that because a period of 18 months has already elapsed that, when this legislation comes into place (and that might be some time down the track, plus there needs to be regulations put in place), will it be regarded in circumstances like this, if it has been vacated for, by that time, 2 years, 3½ years or whatever it might be, that that constitutes the waiting period of 18 months, when this act comes into place?

The Hon. Z.L. BETTISON: No, it will not. It will come into play the date the act commences. While you may already have a contract and you reside in the retirement village, it will be from the date the act commences, then you give your notice the next day or that day; that is when the 18 months will begin.

The Hon. P. CAICA: Notwithstanding the fact that a notice was already in place?

The Hon. Z.L. BETTISON: No, it will not.

The Hon. P. CAICA: This is my final question on this clause. There will be the dawn of a new era and the act will be put in place and, from that day, the provisions of 18 months will apply. I appreciate the fact that you do not want to be—and quite rightly so—so prescriptive across the various forms of the Retirement Villages Act, but this is a cover-all clause for all retirement villages. We will just call it the 18-month period and what hangs off it. There will be the dawning of a new era and my constituents will not be able, if that place has been vacated, to retrospectively use that as an argument. It will be the dawn of a new era; from the day the act comes into place and the regulations come into place, that will apply to everyone.

The Hon. Z.L. BETTISON: That is correct. Just to clarify, as I am advised they would then be entitled to the 18-month period from the start of the date of the act's commencement. It will not be counted for the 12 months previous, but from that date they will be entitled to the 18 months.

I want to clarify something that I think we should be clear about. If the contract provides that the exit payment is based upon relicensing of the resident and this has not occurred after 18 months, the resident can elect not to receive the payment and to wait until relicensing occurs. That is still something that is there, particularly if they feel that the market is increasing and that there is going to be more interest in that area; they can wait. The resident is not forced to relicense at that price at that time.

I think that might satisfy some people's concerns because there is a mutual interest here by both the operator and the resident, and that still remains. However, the resident can elect to receive the payment upon current market value.

The Hon. P. CAICA: I accept that because the provisions in the act say whatever comes first, don't they? That is there, so it has those provisions. Minister, I thank you for your response.

The Hon. Z.L. BETTISON: Can I just clarify that: a resident can elect not to receive the payment and wait until relicensing occurs, and they may choose to do that.

Mr PEDERICK: I am certainly interested in the statutory buyback provisions, especially in relation to regional areas and the amount of equity people need in regional areas, no matter if they are running a retirement village or whatever they are investing in. I am wondering whether the minister has done any research on the statistics of who will be affected, what villages will be affected by the statutory buyback provision and also whether the minister has done an industry impact statement—and I mean right across the industry, from small operators to larger operators—on the potential impacts of this statutory buyback.

It has certainly been expressed to me that smaller operators will be forced out of business, especially in regional areas where they potentially have to have about 60 per cent equity for a start, and then all of a sudden they are asked to have 100 per cent on top of that, so essentially 160 per cent equity. I am wondering what consultation has happened, what studies have been done, and also, apart from consultation with the owners and operators of these villages, what consultation with the finance sector has been undertaken.

The Hon. Z.L. BETTISON: I thank the member for his question. I note that he was not in the house when I did speak about this before, and you may recall when I summed up yesterday—

Mr Pederick: I heard it.

The Hon. Z.L. BETTISON: We did receive feedback that some concern was expressed about the 12 months, and therefore we have moved to the 18 months for that.

Mr Pederick: That's not—

The DEPUTY SPEAKER: Order! Are you standing up?

Mr PEDERICK: Minister, that is not the question. I am talking about a statutory buyback, whether it is 12 months or 18 months. I do acknowledge your comments, and I heard those comments yesterday. I am asking about what impact a statutory buyback of even 18 months would have. I understand that, yes, it has been pushed out six months, but it has been relayed to me that some smaller operators will not be in the field if this happens. Yes, it is good to give licence holders some clarity around their position but, as I indicated in my contribution, if owners of these villages do not want to invest we will not have villages.

The Hon. Z.L. BETTISON: What I have endeavoured to do here is strike the balance, and I am satisfied that that balance has been struck. I acknowledge your concern, and we have had some submissions from the banking industry on the initial bill and they provided some advice to us.

Previously, as I said, one of the things we looked at was the data because we know there are great connections between the general real estate market and the time taken to sell the properties as operators. The average number of days to market in rural areas was 117, and that is from CoreLogic. Overall, the state average is 83 days. The Property Council itself says that the average time it takes to relicense a retirement village property is 315 days, so I am satisfied at this point that an additional six months from that time will be acceptable.

Just before I run through what some of the people already do, we know that many people already have 30-day relicensing and 12-month relicensing. It is not consistent and it is quite diverse, depending on the business model. We think that this would have some impact on it, but in general we would expect to see very few people approaching SACAT, as this would be an issue.

Mr PEDERICK: But, minister, when you were discussing this with stakeholders, were you proposing, instead of a 12-month statutory buyback, a 24-month statutory buyback? That is also feedback I have had, that you have somehow come up with the 18-month figure.

The Hon. Z.L. BETTISON: I think whenever you put out proposals, there are some discussion points around it. Obviously, the initial bill in 2015 was 12 months. People came to me with different versions of that. What was proposed, and what has gone forward, is the 18 months. I accept that there were discussions around this point. This has been the most significant focus of this bill.

Consumers have been very active across the whole state, and they have been very clear that this is their number one concern in relation to this bill. I have endeavoured to have a balance, and that is the 18 months. But I accept that there was some negotiation, and I have talked to the peak bodies. The Property Council did not want any statutory repayment and were not prepared, through my discussions, to accept any of the discussion points I had on that. I believe there are protocols within the bill of the issues that you have raised.

Mr PEDERICK: From what I understand, you have not done an exhaustive study on the potential impact on the whole retirement village sector if this goes through? I am certainly concerned for all regional areas across this state, and especially for the areas in my own electorate. I have many villages throughout Goolwa and Murray Bridge. I guess you can either say yes or no: have you done

an exhaustive study on the impact of any statutory buyback? I do not believe there has been. Have some village owners, especially smaller operators, expressed that they may pack up shop and not reinvest in the industry?

The Hon. Z.L. BETTISON: Obviously, that is not the outcome that we are seeking here; we are seeking to find that balance—

Mr Pederick: But have they said that to you?

The DEPUTY SPEAKER: Order! The minister is answering the question.

The Hon. Z.L. BETTISON: I think one of the key things is that this has gone under a considerable amount of consultation. I really do not think you can consider that I have not spent time—in fact, I have been criticised for taking too much time, because I wanted to make sure that we went out there. We had 300 submissions; we had eight weeks of consultation and 13 forums, many of which I attended and held.

One of the key peak bodies is Aged & Community Services, which represents 51 members, and they operate 333 retirement villages, many of which are in regional areas. I have spoken with them at length; they have had great engagement with me. There are 529 villages and 153 operators. Some are very small and some are very large. Some are regional, and some are in metropolitan areas. This bill endeavours to satisfy the requirements of both.

Mr DULUK: I just want to pick up on valuation. I do not have a problem with this buyback per se, and I understand it, but has there been any analysis done by your office in terms of the valuation impact on villages across the whole because of the statutory compulsory buyback? Are we expecting, across the board, the price of villages to decrease and then plateau?

The Hon. Z.L. BETTISON: The majority of residents are relicensed within the 12-month period, so we would actually see that this is unlikely to have that impact.

Mr DULUK: I appreciate the majority are relicensed in a 12-month period, but has there been work done by your office in terms of a valuation impact across the board for this sector, in terms of the implementation of a buyback scheme coming into place?

The Hon. Z.L. BETTISON: Our data has focused on the sale, and the sale of the general real estate market and how that impacts on the relicensing of these market areas. Can I just go back to say again that a resident, after 18 months, can elect not to receive payment and wait until relicensing occurs. Obviously, we are very heavily influenced by the market here, and it changes. So, while it is a licence to occupy, it is also quite heavily influenced by the general real estate market.

It is also influenced if something opens up nearby that is fresher and newer at a different price point. So, there is relatively significant competition in this, which is why people have different business models and different contracts. What we want here is the disclosure so that when you go in you know what your costs are and you know what is going to happen. What we wanted was some certainty. However, as advised, the majority of independent living units are relicensed within that 12 months, so we would not see that impact.

Mr DULUK: I appreciate that, and I and probably the member for Fisher support the right of residents for disclosure, but my question is: has your department undertaken a valuation impact statement on the proposed buyback scheme and what that will mean? I know you have said you have your data on the turnover, but have you actually sat down and mapped out what it will mean when all units come due at 18 months and when you obviously bring back those that have been sitting across the state on a three or four-year waiting period? At that 18-month mark, have you done a valuation impact statement? It is just a yes or no answer really.

The Hon. Z.L. BETTISON: There was a regulatory impact statement back when this was initially produced, but I think you are talking about a regional economic impact statement and that has not been produced. That is why we have had the 20 people who are members of the Retirement Villages Advisory Committee go out to regional areas and have this consultation.

We continue to have these elements within the bill to provide the ability to have the statutory buyback, but we also have the ability for that resident to wait until re-licensing occurs. As I am advised, the majority of relicensing does happen within 12 months, but in some cases it does not.

There is still the ability for what I would see not as a major impact on the industry but to give that consumer protection.

Dr McFETRIDGE: Minister, do you know how many examples there are, like the member for Colton's example, of where the clock will start ticking for owner-operators the day this bill is proclaimed and the legislation comes into force? What is the monetary value and what is the economic impact going to be on the owner-operators when this bill is proclaimed and the clock starts ticking?

The Hon. Z.L. BETTISON: We do not have that data so, as of today, I cannot tell you how many residents within a retirement village have indicated that they wish to leave and relicense. I do not have that data. Obviously we know the three ways people leave a retirement village: passing on, going to residential aged care or because it is not for them and they want to either move to another village or go to a different form of accommodation, but we do not have the detail of that.

One of the things I want to be very clear about is that there is quite considerable commercial-in-confidence data that often we find the industry is not prepared to share or does not want to share, because they each have individual business models. One of the things we will do after this is a census to determine some more details about people's motivations and what their thoughts are.

What I actually expect within this industry is significant change. Right now, the average length of stay in an independent living unit is about seven years, but some stay much longer. Now that we have the focus on ageing in place, what I expect you will see is an increase in the amount of personal care services that will be delivered to people in the retirement village, and I suspect many of the providers will deliver those services themselves.

If someone has a home support program or a support package from the commonwealth, and that is determined by the commonwealth, then they can choose how they are going to get those supports into the home. So I would actually expect that we will see people live in retirement villages for much longer than we did previously. I suspect there is some greater movement here within the industry that is impacting on the different changes within that industry as well.

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:00.

Parliamentary Procedure

ANSWERS TABLED

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

VISITORS

The SPEAKER: I welcome to parliament today members of the University of the Third Age, who are guests of the member for Adelaide, students from Belair Primary School, who are guests of the member for Waite, and students from Mount Barker Waldorf School, who are guests of the member for Kavel.

Mr Williams: He is going to be on his best behaviour today, sir.

The SPEAKER: The Deputy Premier doubts that very much.

Mr Marshall: He doubts a lot of things, sir, but not his own capacity.

The SPEAKER: No, indeed.

PAPERS

The following papers were laid on the table:

By the Attorney-General (Hon. J.R. Rau)—

Summary Offences Act 1953—

Dangerous Area Declarations Report for Period 1 January 2016 to 31 March 2016

Road Block Establishment Authorisations Report for Period 1 January 2016 to 31 March 2016

By the Minister for Higher Education and Skills (Hon. S.E. Close)—

University of Adelaide, The—Annual Report 2015

Ministerial Statement

KHAPRA BEETLE

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) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L.W.K. BIGNELL: The Australian and South Australian governments are responding to the detection of Khapra beetle larvae and adults in imported goods at two premises in Adelaide and one on Kangaroo Island.

Khapra beetle is an exotic pest of stored grain and dry foodstuffs worldwide. The national management group, comprising all Australian governments, affected plant industries, and Plant Health Australia, has endorsed a national Khapra beetle response plan to deliver further surveillance and control measures. The Australian government and the Department of Primary Industries and Regions South Australia (PIRSA) are conducting the response.

The source of the Khapra beetle has been traced to a single consignment of imported plastic food-grade containers. All detected larvae and beetles have been destroyed, and there is strong confidence there has been no contact between the imported consignment and the grain supply chain. Surveillance and tracing activities are continuing, and no Khapra beetles or larvae have been found beyond the three affected premises in South Australia.

There is no change to Australia's pest status. Australia has a robust biosecurity system, with strict measures in place to reduce the risk that pests are introduced to Australia. This is a business-as-usual activity for the department as part of the national plant health system. Along with officers from Biosecurity SA, I have briefed the opposition, and I thank them for their cooperation and understanding on this very important matter.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:03): I bring up the 24th report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:04): My question is to the Minister for Health. Does the minister—

The Hon. T.R. Kenyon interjecting:

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

Mr MARSHALL: Does the minister now know the date that technical completion of the new Royal Adelaide Hospital will be achieved, and has the cure plan required by the major default notice been presented to and accepted by the government?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:04): To the first question, the answer is: nothing has changed since last week. To the second question: yes, a cure plan has been provided to the government, but it is not

one which is acceptable to us, and that has been relayed back to the builder. I do find it extraordinary, though, that with a hospital the Liberal Party have been campaigning against for the last 10 years they should suddenly be in a rush to move in, something which they have told us for the last 10 years, 'You don't need a new hospital,' but suddenly we've got to move in.

Mr GARDNER: Point of order.

The SPEAKER: Bedad, it's a point of order from the member for Morialta!

Mr GARDNER: Yes, he was breaking 98.

The Hon. J.J. Snelling: I think I might have been.

The SPEAKER: We have a confession, not coerced, from the Minister for Health. Member for Giles.

COPPER MINING STRATEGY

Mr HUGHES (Giles) (14:05): Thank you, Mr Speaker. My question is to the Minister for Mineral Resources and Energy. Minister, can you inform the house on recent developments in relation to South Australia's copper strategy and its international reach?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:06): I thank the member for his question and his interest in copper. Mr Speaker, you would be aware that in February I stood with the Premier to launch South Australia's copper strategy. This document is a bold statement of our intent. We want the 68 per cent of the country's known copper resource that sits in South Australia to reach global markets so that we can grow jobs, grow prosperity, for the people of South Australia. We want to encourage explorers to seek out more copper resources in this state so as to expand our asset inventory and build on our reputation as a major supplier of copper to the world.

Members interjecting:

The Hon. A. KOUTSANTONIS: I note the opposition interjecting their opposition to copper. Part of the building of that international reputation is working with other copper jurisdictions in a mutually beneficial way. One of those jurisdictions is Chile—or Chilé, as the Deputy Premier says—

The SPEAKER: The Deputy Premier is right.

The Hon. A. KOUTSANTONIS: —thank you, Speaker Solomon—is by far the world's largest producer of copper. Last year alone, Chile produced 5.7 million tonnes of copper to both surpass China, which produced 1.75 million tonnes, and Peru, with 1.6 million tonnes, based on mine production data issued by the US Geological Survey. Codelco, a state-owned resource company, is responsible for much of Chile's copper production. It makes sense, then, for South Australia to forge a close relationship with Chile to share our expertise in developing our copper resources and highlight our state's copper potential to our international investors.

I was delighted last week that a Chilean delegation, led by Mr Ignacio Moreno, Undersecretary of Mining, was able to visit South Australia and learn more about developments here in our own copper belt. As part of that visit, the delegation toured our new world-class drill core library. This state-of-the-art facility, with its stunning copper façade, is a fantastic investment in the future of our state and a showcase of our commitment for developing our resource potential. The core library at Tonsley has become a must-see destination for many visiting international delegations to our state. The Chilean government delegation was no doubt impressed with the facilities and the scale of the collection of core that has been assembled after decades of exploration.

While in Adelaide, the governments of Chile and South Australia grasped this opportunity to renew and strengthen our close relationship by extending by five years a memorandum of understanding between our two jurisdictions. I was delighted to sign the MOU on behalf of the South Australian government. My thanks go to Mr Rodrigo Alvarez, the director of the National Geology and Mining Service, for signing on behalf of the people of Chile.

The MOU will allow us to widen our engagement with Chile by exchanging information about regulatory practices to build on the ongoing partnership that is centred on geology and exploration

technology. It is an important partnership, particularly as South Australia looks to Chile and other international investors to support our ambitions to triple our annual output of copper from the state to one million tonnes by 2030.

I want to thank the Chilean delegation. I look forward to growing our relationship with Chile and other copper jurisdictions as we continue to implement actions arising from our long-term comprehensive copper strategy for South Australia.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09): My question is to the Minister for Health. Has the government issued another major default notice to the consortium, and has the government sought any legal advice in relation to the termination of the contract?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:10): Yes, we have issued subsequent default notices to the consortium. With regard to terminating the contract, we are reserving all our rights. At this stage, I think it would be pretty unlikely, but let me make very clear—

Mr Marshall interjecting:

The SPEAKER: The leader is called to order. He asked the question. So far, there is nothing out of order in the minister's reply.

The Hon. J.J. SNELLING: Let me make very clear, the government reserves all its rights.

DAIRY INDUSTRY

The Hon. T.R. KENYON (Newland) (14:10): My question is to the Minister for Agriculture. Minister, what is the government's reaction to the federal dairy support package announced today?

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) (14:11): I thank the member for Newland for another question on this very important matter. I spoke with Barnaby Joyce this morning and welcomed the federal government's approach to assisting the dairy farmers. As I said to him, no government, whether it's state or federal, is the bad guy in this. We are all here to lend whatever support we can to the dairy industry, and the support shown by the federal government has been very well received by people right across the dairy industry in Australia and by the National Farmers' Federation as well.

I also spoke to Joel Fitzgibbon, the Labor agriculture spokesperson, who has some ideas of his own. I think, as the federal government works through this caretaker mode, there will be a lot of collaboration between both parties on behalf of the dairy farmers of Australia, including the 252 dairy farmers we have here in South Australia. I want to also thank David Basham. We were on the phone earlier this morning talking about the package and how he sees it playing out for South Australian dairy farmers.

We have been working closely with them during the past three weeks. Last week, as I mentioned yesterday, we rolled out the $60,000 triage package to make sure that we could get very, very quick mental health counselling to people who need it as well as financial counselling to people. That's a really important thing that we do in the initial days of this crisis for the dairy industry. It was terrific to see a couple of dairy farmers out the front on the front steps—they brought in a couple of cows as well—and the big media contingent that we had there covering it.

I want to thank the media and all those South Australians who were on social media as well for the way they have brought this issue to the city. It's very rare that we see country people being so well backed by their city cousins. I think it's terrific, the learning experience that a lot of city people are going through about the consumer decisions that they make and the effect that can have on a fellow South Australian and their family. To everyone who has been involved in this, I think it's great.

I think what we need to remember, though, is that this is an issue that's not going to go away. While the media might move on to another subject next week or the week after, the dairy farmers have not only had their income for the next six or seven weeks taken away but they have also had

their income for the past 10 months reduced by between 15 and 20 per cent in many cases. This afternoon—

Members interjecting:

Ms CHAPMAN: Point of order, Mr Speaker: this is an important matter and, if you would ask the four senior members of the government opposite to be quiet—

The SPEAKER: The point of order is clear, and that is that the Treasurer has been conversing aloud during the minister's reply, in violation of standing order 142, and I call him to order. Minister.

The Hon. L.W.K. BIGNELL: This afternoon, I will be meeting with Murray Goulburn, who have put $1 million into the Victorian package. We will be asking them for some sort of contribution to help South Australian dairy farmers. What we know is that we have 252 dairy farmers in South Australia; about 60 of those supply Fonterra and Murray Goulburn. If we look at it on a state-by-state comparison, we have 252 dairy farmers. Victoria has 4,100 dairy farmers, and 40 per cent of their milk goes to the export market. Ten per cent of the milk in South Australia goes to the export market. If we look at Tasmania, 70 per cent of their milk is also destined for the export market.

One thing we have in South Australia is a lot of great, strong local processors and the support for them we have seen come from the public in the past couple of weeks has been terrific. We will stand by the dairy farmers of this state, as we do all the agriculture sectors. We know that $18.2 billion is the economic impact that agriculture has on our economy. It is a very important sector, and we will continue to work side by side with the dairy farmers and their industry group.

WOMEN'S AND CHILDREN'S HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): My question is to the Minister for Health. For what period of time were the non-sterilised syringes being used at the Women's and Children's Hospital? Was it 13 instances isolated to one period of time three years ago or was there a series of instances of infection control breaches over a matter of weeks, months or maybe even years?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:16): The information I have is that 13 children were affected by it and that is the limit of it. Over what period of time? I am more than happy to have a look and get back to the house, but it was only 13 children who were involved.

Members interjecting:

The SPEAKER: The member for Unley will soon debouch out of the confines of this chamber. I call him into order.

The Hon. J.J. SNELLING: It was only 13. It is important to note that the new procedure that was—

Mr Marshall: When did they occur?

The Hon. J.J. SNELLING: I know the Leader of the Opposition wants to hang out to dry our doctors and nurses, but that is not—

Mr Marshall interjecting:

The Hon. J.J. SNELLING: Then if you ask serious questions, listen to the answers. Give me the courtesy of listening to the answers.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: Do me the courtesy of listening to the answers, rather than screaming like a banshee across the chamber.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: If you're interested in the answer—

Members interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. J.J. SNELLING: —give me an opportunity to answer without screaming out every time I try to utter a word.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: Can you keep quiet for even a few seconds—

The SPEAKER: The minister will leave the disciplining of the chamber to me.

The Hon. J.J. SNELLING: Certainly, Mr Speaker, I am happy to, but it is rather difficult to respond to what is a serious matter when the Leader of the Opposition persists in screaming over the top of me. It is important to note that the new procedure that was put in place resulted in a significant reduction—a 50 per cent reduction—in infection.

With regard to the children who were infected, the chances of them having caught an infection because of this lapse in procedure was very, very remote. I repeat what I said yesterday: I think the Women's and Children's Hospital has acted in an exemplary way with regard to this matter.

Mr Marshall interjecting:

The SPEAKER: The leader is warned.

The Hon. J.J. SNELLING: They have immediately, as soon as they became aware that there was an issue—

The SPEAKER: Point of order.

Mr MARSHALL: I ask that you instruct the minister to return to the substance of the question: when did the breaches occur?

The SPEAKER: I don't think the minister has strayed very far from it. Minister.

The Hon. J.J. SNELLING: As soon as the Women's and Children's Hospital became aware that there was an issue with regard to this matter, they acted appropriately and quickly. They contacted the 13 families—

Mr Griffiths: If you have the information in front of you, read it out, then.

The SPEAKER: Is the member for Goyder having a conversation with himself or interjecting?

Mr Griffiths: I'm trying to demonstrate, the minister referred to paper on his desk, sir. He should have the information in front of him.

The SPEAKER: The member for Goyder is called to order. Minister.

The Hon. J.J. SNELLING: When the matter was alluded to, the chief executive of the hospital immediately implemented an open disclosure policy and contacted the 13 families. The matter was briefed up to me—

Mr Pisoni interjecting:

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

The Hon. J.J. SNELLING: And the media release was—

Mr Marshall interjecting:

The SPEAKER: And the leader is warned for the second and final time.

The Hon. J.J. SNELLING: The media release was put out—

The Hon. T.R. Kenyon interjecting:

The SPEAKER: And the member for Newland is warned.

The Hon. J.J. SNELLING: Can I say that this is textbook handling of an issue when they arise, and I commend all those involved for dealing with what is a difficult issue extremely professionally and very well.

Dr McFetridge interjecting:

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

SOUTH AUSTRALIA-CHINA ENGAGEMENT STRATEGY

Ms WORTLEY (Torrens) (14:20): My question is to the Minister for Investment and Trade. Can the minister update the house on the recently released South Australia-China Engagement Strategy?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:20): I thank the member for Torrens for the question. I know she is very committed not only to the China strategy but also to the India strategy of which she is a big supporter. China and South Australia enjoy a mutually beneficial relationship in both two-way trade and via direct Chinese investment.

The value of South Australia's merchandise exports to China has experienced a 10-year average annual growth of 13.3 per cent, with exports in the 12 months to March in 2016 of $2.2 billion. We attracted 32,000 Chinese visitors in 2015, generating $183 million in expenditure and 33 per cent from a year earlier. I can see the shadow minister is that interested in it that he is reading *The Australian*. It's a shame because it is a commitment that needs bipartisan support. As at March 2016, South Australia had 7.5 per cent of all Chinese students studying in Australia, an increase of 31 per cent since 2013.

Last night, the Premier and I launched the updated South Australia-China Engagement Strategy to a large audience. The strategy update reflects a whole-of-state approach to our engagement with China and builds upon the lessons and experiences of the first three years of implementing the strategy. The update reflects the changes to the Australia-China relationship that have occurred over the past three years. These changes have altered the macroeconomic environment and the nature of our partnership and set the focus for our state's next period of engagement with China. They include:

- the signing of the China-Australia Free Trade Agreement (ChAFTA) in June 2015, entered into force in December 2015. ChAFTA will unlock significant trade and investment opportunities for Australia and South Australia;
- the launch of China's 13th Five-Year Plan (2016-20) which mandates a restructure of the domestic economy and a new growth model; and
- significant transformations in South Australia's key industries, including the launch of the 10 economic priorities to respond to these transformations.

Government-led initiatives established between South Australia and its sister state, Shandong, including the recently agreed South Australia-Shandong Friendly Cooperation Action Plan, will see Shandong opening its market to 20 new South Australian exporters every year over the next three years.

A key focus of our engagement is through our business mission program. In April, the Premier led a delegation of 309 to China and Shandong. Businesses have advised that they have secured in total:

- more than 370 business connections;
- 12 export deals valued at more than $500,000;
- 130 export leads which could be worth $50 million to South Australia; and
- 52 new investment leads, with one valued at approximately $20 million.

Let me read some of the feedback from constituents from businesses, many of them from electorates opposite:

> My week was amazing! It was exhausting but the positive contacts that I have made far exceed any exhaustion that I endured.
>
> Sheree Chappel, Stoney Pinch
>
> There is a great deal of work across many departments and agencies, both here in South Australia (special mentions for DSD and PIRSA) and in China to make these missions work…I wish to thank them all for their outstanding efforts…
>
> Richard Dolan, Wines by Geoff Hardy
>
> It's given us the opportunity to provide for a very large hospital project that is going to be built in Yantai. We would never have got into the project if we had not been there (on the trade mission).
>
> Jan Antonides, Elwa Energy

It goes on with the Sarin Group from Port Lincoln, the Fleurieu Milk and Yoghurt Company, and so many others, including Balco. There is just so much good news.

The SPEAKER: Alas, the minister's time has expired.

WOMEN'S AND CHILDREN'S HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:24): My question is to the Minister for Health. Was the audit which identified the use of non-sterilised syringes at the Women's and Children's Hospital part of a systematic audit of hospital practices or was the audit triggered by another event?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:24): To my understanding, it was just part of a routine audit. I don't understand that there was anything in particular that triggered it. It was just part of the routine procedures that the hospital engages in. I can well understand why the Leader of the Opposition is so angry today because, if you look at InDaily, the name Steven Marshall has become a byword for incompetence.

Mr PISONI: Point of order: the minister is entering debate.

The SPEAKER: I uphold the member for Unley's point of order. Does the minister have any more of his ambrosia for us?

Members interjecting:

The SPEAKER: The member for Light—

Members interjecting:

The SPEAKER: The Minister for Investment and Trade and the Minister for Health are called to order, and the leader is reminded that he is on two warnings, and if he opens his mouth again outside standing orders he will be out under the sessional order.

INFORMATION AND COMMUNICATION TECHNOLOGY

The Hon. A. PICCOLO (Light) (14:26): My question is to the Minister for the Public Sector. How is the government working with businesses to cut red tape and modernise information management?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:26): I thank the member for Light for his question. In beginning the answer to this question, I want to—if I hear correctly—congratulate the member for Goyder on marking his birthday. That is a terrific thing. I also understand, from having visited the Blue Room today, that the Hon. Rob Brokenshire might also share a birthday today.

The SPEAKER: Could the minister's divagations end, please.

The Hon. J.R. RAU: I don't believe they are twins, Mr Speaker, and if they were I don't know which one is called Danny, but congratulations to both of them. The government is committed to making it easier for businesses to interact with government using efficient and innovative processes. In line with this commitment, I am pleased to announce the mySAgov Digital Pass Pilot initiative—

Mr van Holst Pellekaan: On the interweb?

The Hon. J.R. RAU: —I am coming to that; yes, it is—which has been developed as part of the government's digital by default strategy, and that does not refer to fingers; it refers to something on the interweb. It is envisaged that the digital pass service will enable South Australians to digitally store information such as tradesmen's licences, boat licences, proof of age cards and other forms of identification. The digital pass will allow customers of SA government services to connect and transact in a convenient way by storing credentials electronically.

This involves, as I think the member for Stuart referred to a while ago, the interweb, iPads, iPods, iPhones, etc. Some members may have recently been to the airport, and when you go there the new phones make a buzzing noise and if you press the button an image comes up and says, 'Do you want to get on the plane?' You say yes, and then a series of dots appears and you can take this series of dots and run it past a dot-reading machine and it takes you into the airport. So that is just part of what is digital today; I just thought I would mention that.

Mr Pederick: Has he graduated to payWave?

The Hon. J.R. RAU: No, but for members opposite who want to explore this further, my daughter loaded up something called Candy Crush Soda, and I recommend it highly. Anyway, I am back on to the other topic now, but I was taken off by the member for Stuart. The government has appointed a local small business, Appvation, to develop a prototype app—and that's the thing that appears on your device—for the digital pass. The pilot will trial the digital provision of land agent and sales representative licences—

Ms Sanderson interjecting:

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

The Hon. J.R. RAU: —with selected customers. Appvation are working on security measures to protect the individual's digital information. Security measures will also be trialled, including fingerprint and PIN code technologies, which some phones have, to protect the individual's digital information. Once the pilot has been trialled, the government will consider rolling out mySA app to other forms of identification. The digital pass will be optional and trade licences will not be discontinued, for those people who are worried about that.

This digital pass modernises the SA government's service delivery and provides a more efficient service to South Australians. I look forward to seeing the results of the project as the government continues to deliver further red tape reduction initiatives.

The SPEAKER: On the subject of birthdays, we welcome Anna Rosina, a daughter for the member for Kaurna and Connie.

HACKNEY ROAD FOOTBRIDGE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): My question is to the Minister for Transport and Infrastructure. Why does the minister think that it is the responsibility of the Adelaide City Council and the Norwood, Payneham and St Peters council to fund the proposed Hackney Road footbridge when the footbridge is only required because of the changes made to Hackney Road to accommodate the O-Bahn tunnel project?

The SPEAKER: Asking a minister what he thinks gives the minister a lot of scope. The minister.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:31): Thank you, Mr Speaker, and can I thank the leader for his question. It is important to remember the genesis of this proposal. The footbridge proposal was not ever part of the O-Bahn project. The O-Bahn project provides sufficient pedestrian crossings across Hackney Road. Of course, it is worth remembering that the actual carriageway of Hackney

Road isn't widened through the O-Bahn project—merely there is a reallocation of road space—so pedestrians will be crossing over the same distance that they previously were before the project.

The genesis of the project was from one of the governing council members of St Peter's College. He and the principal of that school came to see me many months ago and suggested that this was something that they had been thinking about as a school for some months and that they were—

Ms Sanderson: Like the letter from Adelaide High about a footbridge that you didn't get.

The Hon. S.C. MULLIGHAN: In fact, the member for Adelaide interjects. It's refreshing that a member of a governing council for a school on the boundary of the City of Adelaide should actually be proactive, talking about a footbridge, unlike her performance on the governing council of Adelaide High School. It's an interesting contrast.

Ms Sanderson: You should read your mail.

The SPEAKER: The member for Adelaide is warned. Point of order, member for Morialta?

Mr GARDNER: The minister is now debating issues irrelevant to the question asked.

The SPEAKER: No, what he is doing is responding to interjections, which is of course technically out of order, and he is talking about another famous footbridge. The minister.

The Hon. S.C. MULLIGHAN: As I was saying, it's interesting to contrast the performance of that level of diligence by a member of the governing council of a school on the border of the City of Adelaide with the member for Adelaide's performance, but I digress.

After that proposal came to the government, we were offered from St Peter's College the opportunity, if a footbridge was to be delivered, to land that footbridge on some of their land, and that would be a contribution from St Peter's College. Of course, these footbridges in today's contemporary standards are not inexpensive pieces of infrastructure; they have to be compliant with disability standards and they are necessarily expensive. You either have to have very long ramps or you have to have elevator facilities at each end to enable people to be able to use them.

Given that we didn't have capacity within the O-Bahn project, because it was never part of the O-Bahn project, I thought that a council like Norwood, Payneham and St Peters might think that this might be of some use to their residents. I also thought that the Adelaide City Council would also think that it might be of some use to the people who enjoy using the facilities in their council area, so I approached them and said, 'Would you be interested in making a contribution?'

Norwood, Payneham and St Peters made it very clear some weeks ago in the media that they didn't think it would be worthy of their contribution, and I have to say that pretty much regardless of what the recommendation was from Adelaide City Council staff, or even what the predilections of the elected members would have been at last night's Adelaide City Council meeting, that decision from Norwood, Payneham and St Peters pretty much forced the Adelaide City Council's hand.

As this was never a project which had been proposed or pushed by the state government, given that this was just yet another opportunity and another occasion where the government had listened very carefully to all of those people in Hackney who were interested in the O-Bahn project, and given we tried to assist them in this endeavour, now that the council is uninterested in a footbridge, neither is the government. We will continue to provide the same level of pedestrian access across the same width of carriageway across Hackney Road that we have been for many years, and continue—

Ms Chapman interjecting:

The Hon. S.C. MULLIGHAN: Well, if you think it's rubbish you know the appropriate remedy: move a motion.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is called to order, and for earlier offences the members for Hartley and Chaffey. Is the minister finished? He is. The member for Wright.

ADELAIDE OVAL

The Hon. J.M. RANKINE (Wright) (14:35): My question is to the Minister for Tourism. Minister, since the AFL games moved to Adelaide Oval, what has been the effect on city hotel revenue and crowd numbers?

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) (14:36): I thank the member for Wright for the question and acknowledge that her Crows are doing very well this year, and average crowds above 50,000 each week at the Adelaide Oval, so it's terrific to see. In fact, if we look at the Crows match against Hawthorn at the MCG a few weeks ago, they only had about 47,000 there, so it just proves that the Adelaide Oval is drawing huge crowds of South Australians and people from interstate—

The Hon. J.M. RANKINE: Point of order, Mr Speaker: the opposition are breaching standing order 142, the very order the Deputy Leader of the Opposition complained about early in question time.

The SPEAKER: Yes, I uphold the member for Wright's point of order. Minister.

The Hon. L.W.K. BIGNELL: Thank you. But new figures just out show that, if we go back to 2013 and look at the crowd figures at Football Park compared to the Adelaide Oval crowd figures, they are up 45 per cent. They are up 2 per cent this year on the previous year, they are up 5 per cent this year compared to 2014, so the growth is there but, more importantly, the spend is there as well. We know that when we go to the hotels around the city and the small bars around the city, they are doing a huge trade, particularly on AFL football days.

We've got an extra five hotels that have been opened in the CBD since the revamped Adelaide Oval opened and, of course, that investment by the private sector followed on from $535 million in taxpayers money which was put into the redevelopment of the Adelaide Oval. I think anyone will tell you that that was money extremely well spent. The Adelaide Oval is paying back to the economy of South Australia about $230 million a year, so it's a tremendous return on investment.

Talking to David Basheer at the Strathmore Hotel the other day, he says his numbers are through the roof, not just for the football but after the cricket and the Socceroos games and Liverpool—of course, the A-League final when Adelaide United won—which is kind of interesting given that his Uncle Max sort of argued against the move from Footy Park to Adelaide Oval. But David, like so many publicans in South—

The Hon. A. Koutsantonis: Uncle Max wasn't alone, was he?

The Hon. L.W.K. BIGNELL: No, Uncle Max was joined by the members opposite in their—

The Hon. A. Koutsantonis: Opposition.

The Hon. L.W.K. BIGNELL: —opposition to the revamp of the Adelaide Oval. It's been a tremendous win and great to have a Labor government with the sort of vision to build South Australia's future.

Mr GARDNER: Point of order, sir: this is debate and is full of nonsense.

The SPEAKER: It is very close to being a bogus point of order, especially with the addition. If the member for Morialta wants to make a point of order, make a point of order, not an impromptu speech. The minister.

The Hon. L.W.K. BIGNELL: Thank you, Mr Speaker. When we look at these five extra hotels that have come into the economy since the Adelaide Oval revamp was opened, you might say, 'Well, we might have too many rooms.' Not true. The revenue per room has increased by 34 per cent since 2013 on days when AFL football is in Adelaide. We've seen room nights occupied grow by 35 per cent and the average daily revenue is up 15 per cent when we compare it to the figures from 2013.

So, any way you want to stack this up, it's a huge credit to not only the government investment in this but the private sector investment that has followed, because the private sector see

the sort of future that we have envisaged for this state. Not only have we built things like the Adelaide Oval and the Convention Centre redevelopment, which is costing $400 million, but we have put money into our budget to make sure that we sell the great attributes that we have here in South Australia, to make sure that we market our state. There is $35 million in this year's budget to make sure that we tell the story of South Australia because we want to grow—

Members interjecting:

The SPEAKER: The member for Adelaide is warned for the second and final time and the members for Hartley and Chaffey are warned.

The Hon. L.W.K. BIGNELL: We want to grow the visitor economy from $5.7 billion a year to $8 billion a year by 2020. It's really rewarding to see these figures backing up the shift upwards in economic return on investments this government has made.

ELECTRICITY POLICY

Mr VAN HOLST PELLEKAAN (Stuart) (14:40): My question is to the Minister for Mineral Resources and Energy. Is the minister considering offering capacity payments to base load electricity generators to encourage them to stay in the market and, if not, what other incentives is he considering? In a radio interview this morning, the minister said, and I quote:

> What we need to do is try and incentivise as much as we can on open cycle gas fired generation.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:41): I had an interesting debate this morning with the Leader of the Opposition on radio.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned.

The Hon. A. KOUTSANTONIS: I think it is important to note that there is not one simple solution to energy issues in South Australia. As much as the opposition want to simplify the issue and simply say, 'By howling at the moon, we can do something about energy prices,' the truth is it is a complex issue that requires a lot of complex solutions; there is not simply one solution to all of this. The government currently has an expression of interest out—

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: I'm giving you an answer. The state government currently has an expression of interest out for the procurement of our own source energy, looking for innovative solutions for a carbon-constrained supply and, of course, ensuring the best possible outcome for South Australians. We have, of course, argued for greater interconnection with other states, something members opposite, when they were in government, opposed, to try to maximise the sale price of ETSA.

So, there is a whole series of solutions that we need in place, but this all boils down to one small reality which is governing the opposition's attack on energy prices; that is, renewable energy is having an impact on power prices in South Australia in two ways.

Members interjecting:

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

The Hon. A. KOUTSANTONIS: The first way is intuitive and everyone would understand. It is that renewable energy, once the first investment is made, generates for free. So, we can plug into the market at almost no cost. On top of that—

Members interjecting:

The SPEAKER: The leader is a hair's breadth from departing the chamber.

The Hon. P. Caica: And his job, sir.

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

The Hon. A. KOUTSANTONIS: So, because of the subsidies offered by the commonwealth government (the members opposite's party), those subsidies that are in place now allow generation to be put in place when the market would not ordinarily allow that generation.

Members interjecting:

The SPEAKER: The member for Stuart is called to order and the member for Schubert is warned.

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is warned for the second and the last time.

The Hon. T.R. Kenyon: Not before time.

The Hon. A. KOUTSANTONIS: You're the future of this party; don't get thrown out again.

The SPEAKER: The member for Newland is warned for the second time.

The Hon. A. KOUTSANTONIS: So, we have a situation where renewable energy is dragging power prices down. However, when the wind isn't blowing and the sun isn't shining and we don't have that cheap renewable energy in our markets—

Mr VAN HOLST PELLEKAAN: Point of order: I ask you to bring the—

The SPEAKER: Yes, the question was about base load.

Mr VAN HOLST PELLEKAAN: It was about capacity payments for base load, sir.

The Hon. T.R. Kenyon: So, you want to subsidise all electricity now?

Mr VAN HOLST PELLEKAAN: No, I'm asking—

The Hon. T.R. Kenyon: All electricity.

The SPEAKER: The member for Newland will depart for 15 minutes under the standing order.

The honourable member for Newland having withdrawn from the chamber:

The SPEAKER: Minister.

The Hon. A. KOUTSANTONIS: So what happens when the wind is not blowing and the sun is not shining? Base load generation then comes into the market when there is high demand and prices go up.

In terms of incentives, the problem with incentives is this: because the opposition sold our assets, and we don't own our electricity assets. Whatever justification members opposite want to make, they sold our assets to foreign interests and I don't own, and we don't own as a community, our generation capabilities. We don't own our distribution networks, and we don't own our network systems. By not owning those systems, for the taxpayer now to re-enter that market is fraught. However, the government will do everything we can to try to minimise the price increases and fluctuations in the market.

Members interjecting:

The SPEAKER: Alas, the minister's time has expired. Was that the member for Adelaide I heard interjecting? The member for Torrens.

HOMELESSNESS

Ms WORTLEY (Torrens) (14:46): My question is to the Minister for Social Housing. How is the state government supporting the homelessness sector?

The SPEAKER: It would be nice if the government supported the homeless, rather than the sector. Minister.

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister

for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:46): I thank the member for Torrens for her question. The recent 2016 federal budget did not identify funding for the National Partnership Agreement on Homelessness beyond the current term to 30 June 2017. While this outcome was expected, it certainly should not be accepted.

At a meeting in March 2016, commonwealth, state and territory housing and homelessness ministers discussed developing proposals outlining a sustainable and long-term funding position to continue to deliver a strong specialist homelessness system well into the future. At this meeting, ministers agreed to commission a report on policy reforms and funding options for homelessness beyond July 2017. The Australian Housing and Urban Research Institute has been engaged to undertake this in consultation with representatives from across the sector and government.

In the next six months, my department will develop a partnering approach to create additional opportunities for consultation with the South Australian government's Homelessness Strategic Group, as we work towards developing South Australia's service reform priorities. I have recently written to Professor Andrew Beer, in his capacity of chair of the South Australian government's Homelessness Strategic Group, regarding this important work.

In October of this year, the commonwealth, state and territory housing and homelessness ministers will again meet to consider the institute's report and work together to develop proposals about future homelessness policy and funding. The aim of this meeting will be to advocate for a clear position, to be reached by December 2016, so that the commonwealth Minister for Social Services can report back to the Council of Australian Governments with recommendations on future national partnership agreement funding by the end of this year.

The short-term funding cycles of the past three national partnership agreements have resulted in uncertainty for the community, service providers and the government, and I have been a strong advocate for ensuring a longer term funding approach for homelessness. Further, if this long-term funding cannot be secured, more than 230 jobs for the South Australian specialist homelessness services sector would be placed at risk. I would like to assure the house that I am working very hard with my ministerial colleagues across the country to negotiate further funding for the continuation of this critical program.

MENTAL HEALTH PATIENTS

Mr SPEIRS (Bright) (14:49): My question is to the Minister for Mental Health and Substance Abuse. On what basis did the minister assert yesterday that the government's target that no mental health patient should stay in an ED for more than 24 hours is being met? As at 2am this morning, there were three mental health patients at The QEH who had been in an ED for more than 24 hours.

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:49): I thank the member across the way for his question in this space. At any point of time, there is a variability in the way we deal with these challenges that we meet at EDs. Over the last period of time, in fact over the last 15 months or so, there has been a steady decrease in ED waiting times, but on any one day we cannot predict the needs of consumers interacting with the South Australian mental healthcare system.

SHANDONG ARTS

The Hon. S.W. KEY (Ashford) (14:50): My question is directed to the Minister for the Arts. Minister, how are the arts working to create strong ties with our sister city in the province of Shandong?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:50): I thank the member for Ashford for her active interest in our important and vibrant arts sector in South Australia. Particularly the small to medium art sector, I know the member for Ashford has a particular interest in that sector. Since the inception of the state government's sister province agreement with Shandong, the arts have played a pivotal role in maintaining this strong economic and trade relationship. As a part of the 30th anniversary celebrations, a South Australian cultural showcase took place in Jinan and Qingdao, from 5 to 8 April, presenting some of South Australia's best artists and cultural organisations.

The ASO led a series of master classes, workshops and rehearsals, with their principal players, Natsuko Yoshimoto, Mark Gaydon and Adrien Uren, working with the Shandong Symphony Orchestra, culminating in a concert in Jinan. On the same night, the Qingdao Concert Hall played host to Adelaide Guitar Festival Artistic Director, Slava Grigoryan, and his brother Leonard, who performed alongside their esteemed Chinese colleagues, the Beijing Guitar Duo.

The SALA Festival presented a contemporary photographic exhibition: Great Southern Land: South Australian artists reflect on their home land. Curated by Carollyn Kavanagh, the exhibition provided unique vision of the landscapes and people of South Australia through the eyes of six of our state's finest photographic artists. The State Library hosted children's literature programs at both the Shandong Provincial Children's Library, and the Jinan City Library and featured workshops for both children and librarians by renowned South Australian author Phil Cummings.

Of course, no arts or cultural showcase would be complete without a showing of a South Australian Film Corporation film, with the Shandong audiences treated to a screening of the internationally acclaimed *Tracks*. Building on this exciting showcase in April, members of the South Australian arts community will be again descending on Shandong in August for the Qingdao Beer Festival.

Local arts entrepreneurs Stuart Duckworth and Tom Skipper, best known for the Royal Croquet Club, will be pairing with the Adelaide Fringe to build the Royal Adelaide Club. The Royal Adelaide Club is expected to see around two million people through its doors and will promote a swag of iconic South Australian businesses.

I understand that at last night's council meeting the Adelaide City Council agreed to fund local Fringe artists to travel to China to perform at the venue. This is a great opportunity, not only for Stuart, Tom, the Fringe and all of the artists and businesses involved, but for our state showcasing what South Australia has to offer to an up and coming Chinese youth market.

Artists are pivotal in breaking down barriers between cultures and creating long-lasting ties. Through these connections, the arts will continue to contribute to South Australia's strong economic and trade relationships with this important part of our region.

MENTAL HEALTH PATIENTS

Mr DULUK (Davenport) (14:53): My question is also to the Minister for Mental Health and Substance Abuse. Can the minister guarantee that mental health patients are receiving the best inpatient care in South Australia? The SA Health dashboard showed that at 7am this morning there were 46 mental health patients being cared for in non-mental health beds.

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:54): We endeavour to do the very best we can for all mental health consumers when they are having a health crisis, and we will work towards the targets we have announced. We endeavour to help them wherever we can to ensure that they resume their wellness journey.

Mr DULUK: Supplementary, sir.

The SPEAKER: A supplementary, member for Davenport.

MENTAL HEALTH PATIENTS

Mr DULUK (Davenport) (14:54): Can the minister please give the house a time frame of when she expects her government to meet her commitment to have no patients waiting more than 24 hours in emergency departments with mental healthcare issues, which was meant to be effective from January this year?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:54): We work on those targets every day and will continue to do so.

SUICIDE PREVENTION

Mr GEE (Napier) (14:55): My question is to the Minister for Mental Health and Substance Abuse. How can suicide prevention networks improve the mental health and wellbeing of communities in South Australia?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:55): I would like to thank the member, and my neighbouring MP, for his question and concern about suicide prevention networks in South Australia. The South Australian government is committed to supporting the establishment of many local suicide prevention networks across the state. The suicide prevention networks help unite communities to prevent suicide and to support people and their families who are affected by suicide.

Currently, there are 10 established networks within regional and metropolitan South Australia and, as part of the election commitment, the South Australian government allocates $150,000 annually to assist the development of suicide prevention networks across the state. SA Health works with interested communities in developing suicide prevention action plans in regions, and each region is linked to local governments. Networks are comprised of many people from all sectors of the community who participate equally.

As part of these examples, I would like to mention the meeting I had recently with David Copley, CEO of Pangula Mannamurna in Mount Gambier, who works closely with the Treasuring Life suicide prevention network. Treasuring Life is a network that is specifically empowering Aboriginal and Torres Strait Islander people in the South-East. They work on areas such as prevention programs, culturally appropriate activities, early intervention programs and linkages with postvention support—an incredibly important but emerging area. Treasuring Life's mission is to change how local communities live with suicide and mental health by reducing shame, encouraging health and celebrating lives.

Each and every network in our state is providing their own unique implementation plans and tailoring them to their local communities. Their lived experience and knowledge of their community is invaluable to our work in this area. Suicide prevention networks are an initiative that I encourage all members of the house to become involved in and participate actively in.

I know the member in the other place, the Hon. John Dawkins, works extensively with these communities and does exceptional work alongside all of us interested in mental health, and I acknowledge his commitment to this space. These networks help empower communities to work together to ensure lives are not lost to suicide. Every life lost in this area is a tragedy to our state, our families and our communities.

There is more information regarding the suicide prevention network strategies and their work on the SA Health website www.sahealth.sa.gov.au, but I would like to also particularly acknowledge the work of the Treasuring Life team and all the contributions they make to all the networks across the state to improve the wellbeing of all of our local communities.

SHEEP INDUSTRY FUND

Mr PEDERICK (Hammond) (14:58): My question is to the Minister for Agriculture, Food and Fisheries. Given the consultation period for changes to the Sheep Industry Fund levy rate closed in December last year, can the minister confirm if the levy will be increased from 35¢ per head to 55¢ per head as of 1 July 2016?

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) (14:58): We have been working closely with the Sheep Advisory Group in South Australia. I don't have the exact details, but I can bring an answer back to the house for you.

ALBY JONES AWARDS

Ms HILDYARD (Reynell) (14:58): My question is to the Minister for Education and Child Development. Can the minister inform the house about her recent attendance at the Alby Jones awards dinner 2016?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:59): I am delighted to answer this question. It's the second time I have attended this dinner. One of the privileges of being able to stay in a portfolio for more than 12 months is that you start to meet people again and have a sense of some depth of relationship and continuity.

The Alby Jones awards are run by the Australian Council for Educational Leaders South Australian Branch. They acknowledge the excellence of educational leadership in all three sectors within education—state, independent and Catholic—and also recognise work undertaken within the higher education sector on school education and in the media. It is an incredibly inspiring night where we have the opportunity not only to celebrate and acknowledge the excellence of the people to whom awards are given but also to listen to the speeches they gave.

There were some exceptional speeches about the importance of education to the future of this country and also about the quality of education—that an education consists of not just what we commonly understand to be the skills of literacy and numeracy and content knowledge around subject matters but also educating the whole student so that they are prepared for the challenges of the 21st century and are able to be ongoing learners. I will just run through some of the award recipients. The Alby Jones award—

Mr KNOLL: Point of order, Mr Speaker: if you would care to check your inbox, the list of winners she is about to go through are all publicly available information.

The SPEAKER: Alas, I am not using an electronic device just at the moment. Minister.

The Hon. S.E. CLOSE: Sorry, Mr Speaker, did you give me permission to continue? I couldn't quite hear.

The SPEAKER: I said that I am just not using an electronic device and that the minister is invited by me to continue.

The Hon. S.E. CLOSE: Thank you, sir. I was not aware that the list was already publicly available, so I will not belabour the individuals. It was not made publicly available by me. Not only will I put these names on the record but, in the time I have left, I would like to talk a little bit about what each of them have done.

Dr John Halsey was the Alby Jones Award recipient for 2016. He is a lecturer in the School of Education at Flinders University. He and I have had many discussions recently, and will continue to do so, about the importance of education for rural-based students and the importance of making sure that the quality in our regional and rural schools is high. He has shown extraordinary dedication to that field of knowledge during his entire career, including as a teacher and a principal and, now, as an academic.

We also witnessed the recognition of the distinguished contribution to research in higher education leadership of Associate Professor Rob Hattam, who is at the University of South Australia. He discussed, very usefully and importantly, the importance of education around reconciliation and refugees and also the importance of continuous reform in education. We then recognised current leaders in our school system:

- Marilyn Clark, who, many people will know, is the President of the Preschool Directors Association and also the director of Ballara Park Kindergarten and has shown extraordinary leadership in early childhood education, which we have all come to understand is so crucial for kids;
- David Edwards, who is the Acting Principal at Our Lady of Mount Carmel Parish School, the primary school. It was good to see his recognition;
- Christine Hatzi, who is an education director now in the DECD but who has been a principal in a number of schools;
- Wendy Johnson, who, as the principal of Glenunga High School, brought with her two of her current students from year 12 who were an extraordinary example of the quality of our young people today. They charmed the interstate visitors, who were incredibly

impressed with the quality of their understanding of what their future might hold and the kind of quality of education they have received; and

- Panayoula Parha—

Members interjecting:

The Hon. S.E. CLOSE: I'm allowed to say that name? She has just recently finished being principal of Norwood Morialta High School and is, as anyone who knows her would know, a very dedicated and influential leader.

EDUCATION AND CHILD DEVELOPMENT

Mr GARDNER (Morialta) (15:03): My question is to the Minister for Education and Child Development. How many students across South Australia have been identified with such behavioural management problems that the assistance of the department's 'behaviour support coaches' is required? Are these 'behaviour support coaches' teachers, social workers or do they have other qualifications?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:04): I don't know the number of students who have been supported by the behaviour coaches. There are 30 of them. I will come back to the house with further details.

Mr Gardner: Who are they? Teachers or—

The Hon. S.E. CLOSE: I will come back with that as well.

Grievance Debate

RIVER MURRAY IRRIGATORS

Mr WHETSTONE (Chaffey) (15:04): Today I rise to speak about some uncertainty that Riverland irrigators will face as of 1 July this year. Sadly, for those River Murray irrigators, their opening allocation is going to be 36 per cent. That is now creating an uncertain future for those businesses, those families, and it is a reflection into the community that they will have to deal with. Yes, I understand the uncertain future with resources, I understand an uncertain future with the dairy industry, yet the minister has blatantly said that it is just a pity, that, 'If we had government seats in an affected area, it would be problematic for the government, but as we don't there is no issue for us.'

Really, I think that sets a platform for irrigators in South Australia that they do not have the support of the current water minister. South Australians should be alarmed, and so should the government, knowing that the irrigation sector and the farming sector in the Riverland and the Mallee are one of the stablemates here for South Australia's economy.

One of the shining lights that has come from that low opening allocation is that we will have carryover provisions which enable irrigators to carry over 20 per cent of their allocation into the next year. Sadly, after the last drought, many of our irrigators had to sell their allocations. They had to sell those allocations to pay off debt, they were under bank pressure, they were under all sorts of financial pressures, and so they sold that water back to the commonwealth government. The minister said it should have been increased so that we sold more of our water back, removed our economic base here in South Australia and created mayhem within the irrigation sector.

At the moment, we are dealing with a very volatile water market. Of course, as soon as the water market hears that there is a restricted allocation, they hear that there will be carryover provisions in place, of course, what happens? The demand increases, prices go up and those irrigators who are affected will have to pay a premium for their water. Again, the South Australian irrigators licence pressure has been brought to the fore by the Murray-Darling Basin Plan.

Two years ago, the Premier said here that he was a champion for the Murray irrigators and for the Murray in South Australia, yet we see another dry year, we see another restricted opening allocation and we have not heard a squeak out of the Premier. When he came up and said he would be the champion for South Australia, the champion for the River Murray, he followed the Liberal's

plan in endorsing a 2,750 gigalitre basin plan, as did the Liberal Party, as did the opposition here in South Australia. Yet, we get all this rhetoric about Mazdas and 180Bs as opposed to a Rolls-Royce.

I think we need to justify that the Premier is nothing more than a spin doctor, as is his minister, here in South Australia because what have they achieved since we have had the drought in 2010? They have achieved zero. They have planted trees below Lock 1. Many of those trees in those tree planting programs have failed, many of those trees have died, yet what are we seeing in today's environment? We have seen irrigators give up their water, we have seen the commonwealth government invest in those irrigation businesses and now, to deal with restrictions, to deal with lower flows into South Australia, we are seeing more uncertainty.

There has not been one piece of environmental work and measure achieved below Lock 1—not one. We have seen a scoping study that has been put into the bottom drawer, we have seen initiatives that should have been put on the desk of the Premier and the minister, but not one has been addressed. They sit in the bottom drawer collecting dust. Again, we look at irrigators giving up their water for the environment, we look at irrigators now being expected to give up the up water—the 450 gigalitres of up water that the environment now needs—but not one drop of water has come from the South Australian government, not one drop of water has come from SA Water.

Again, we are looking at our economic base here in South Australia being depleted, being absolutely crucified for the lack of action by this government, this Premier and this minister. What I would like to say in parting is that the best information will allow for the best decisions for our irrigators. Minister, look at what New South Wales and Victoria are doing with their forward projection scenarios and giving their irrigators the best possible advice.

The SPEAKER: The member said he was parting, and now he has.

Time expired.

EDWARDS, REVEREND DR W.H.

Ms BEDFORD (Florey) (15:09): I acknowledge that parliament meets on Kaurna land, and today I want to remember and acknowledge the life of the Reverend Dr Bill Edwards AM. Born in Victoria's Wimmera district in 1929, he died in Adelaide in July 2015, and I want to pass on some of the information printed in *The Advertiser* on 2 January this year.

Bill started his working life in the banking industry and enjoyed the sporting life in country towns, where he was also involved with the Presbyterian Fellowship of Australia. That involvement led to graduation from Ormond College, which is in the University of Melbourne, with a diploma in theology and then a diploma in education and, eventually, a Bachelor of Arts in 1957.

Bill moved to Adelaide in 1954 and witnessed the performance of the Ernabella Choir for the new young Queen who was visiting Adelaide at the time, which formed the foundation of his future relationship with the Pitjantjatjara people. Three years later, he was appointed assistant to the superintendent of the Ernabella Mission, then acting superintendent and, finally, superintendent, a position he held until 1972.

Bill trained and conducted the Ernabella Choir for 22 years, from 1958 until 1980, and was involved with them in their visits to Sydney, Alice Springs and Adelaide. He facilitated the process of land rights for the Anangu as the minutes secretary for the Pitjantjatjara Council, something he could do because of his fluency in Pitjantjatjara and English. That allowed him to be a very important teacher and mentor for some 50 years. He played an integral role in the land rights claims and the royal commission into British nuclear testing.

In 1981, Bill settled in Adelaide with his wife, Valerie Ramm—who was actually the mission nurse at Ernabella, where they met—and their two sons, David and John. This moved him into a new career as a lecturer at the South Australian College of Advanced Education (to become the University of South Australia), where he pioneered the teaching of the Pitjantjatjara language. He earned his doctorate, his PhD, in 2008, studying Moravian missions, in Victoria and Central Australia, and the Presbyterian missions, along the Gulf of Carpentaria in Queensland. He was awarded the Order of Australia in 2009.

I met Bill on many occasions, and one of them was annually on Sorry Day, an event that has been held in Australia since 1998, on 26 May, when we remember and commemorate the mistreatment of our Indigenous people, Australia's first nation. This year, Sorry Day will be tomorrow, a Thursday. The date 26 May carries great significance for the stolen generations, as well as for Aboriginal and Torres Strait Islander communities and non-Indigenous Australians alike.

On 26 May 1997, the Bringing Them Home report was tabled in parliament. The annual national Sorry Day commemorations remind and raise awareness among politicians, policy-makers and the wider public, about the significance of the forcible removal policies and their impact on not only the children who were taken, but also on their families and communities. On Friday 27 May, Reconciliation SA will hold its annual National Reconciliation Week breakfast at the Adelaide Convention Centre from 7 o'clock. Reconciliation SA will be featuring the newly-trained Recognise youth reps from South Australia speaking about their hopes for the future at the breakfast. The keynote speaker this year will be Tanya Hosch, the joint campaign director of Recognise.

Recognise is part of the Reconciliation Australia movement. It is a people's movement to recognise Aboriginal and Torres Strait Islander people in the Australian Constitution and to ensure that there is no place in the constitution for racial discrimination. Recognise strives to raise awareness of the need to end the exclusion of the Aboriginal and Torres Strait Islander peoples from the constitution and to deal with the racial discrimination that exists in it. Recognise is working towards words for a referendum to be put to the Australian people—something that is required to change our constitution.

I urge all members to get involved in Reconciliation Week activities this year, not only in the city but in the regional and suburban areas. Reconciliation Week is held every year between Sorry Day and 3 June, which is Mabo Day, the day that of course recognises the landmark decision in the Mabo case, something that Eddie Mabo strove for all his life. It is a very important week in the calendar of Indigenous Australians, and it is something that reminds us to think about Indigenous Australians and the impact our settlement has had on them and on their families ever since. I certainly hope that we will be able to do something very special here tomorrow to recognise Sorry Day.

EXPIATION NOTICES

Mr SPEIRS (Bright) (15:14): Today, I want to canvass some concerns I have with the inflexibility and lack of compassion being shown in dealing with expiations handed down by state government authorities in South Australia. I first want to discuss my concerns regarding an expiation notice administered to a Marino resident whose husband took seriously ill on 18 February 2016. My constituent's husband's health deteriorated suddenly at home and, after calling Ashford Hospital, she was advised to transport him there immediately.

It subsequently turned out that her husband was extremely ill, having contracted a rare strain of E. coli, which left him in a critical condition for some time. There is no doubt that my constituent did the right thing by rushing her husband to hospital. On her way to Ashford Hospital, she drove through a fixed speed camera at the intersection between Sturt Road and Morphett Road at Dover Gardens at 74 km/h in a 60 km/h zone. This resulted in my constituent receiving a fine of $417.

My constituent appealed the fine on the basis of the extreme pressure she was under when she was caught speeding. She included a letter from her husband's specialist and hoped that the fine would be waived on compassionate grounds, but it was not. In fact, the letter she received from the manager of the Expiation Notice Branch told her:

> While I appreciate the urgency of the situation, I am unable to excuse the speed on the basis of a medical emergency due to the high speed recorded. Had the alleged speed been lower, favourable consideration may have been given to your submission.

I find this to be an outrageous example of an unfeeling bureaucracy lacking all compassion. My constituent was undertaking action which may ultimately have saved her husband's life, and it is not an exaggeration to say that he could have been dying when she rushed him to hospital. For this, she was given a $417 fine, which is nothing short of disgraceful.

My second scenario concerns an 18-year-old Hallett Cove resident who on 17 December 2015 received a fine for travelling on a train without a ticket. He boarded the train with a Metrocard, a $5 note and $4 in coins, and he does not have a debit or credit card. Upon validating his Metrocard,

he was alerted to the fact that there were insufficient funds on the card for the trip and he proceeded immediately to the onboard electronic charging machines.

Upon looking at the ticket machine, he discovered that it does not take notes, something which I find to be ridiculous in the extreme, and that it requires a minimum of $5 in coins. So, not only do these machines not take notes but they require you to be making a purchase of at least $5 in coins. My constituent decided that he had no choice but to go in to Adelaide central train station and purchase a ticket at the customer service booth.

When he reached Adelaide station, he exited the train and made his way to those booths with the correct fare that he required to purchase the ticket, but was apprehended by transit police who asked him to present a valid ticket. At this point, he was unable to do so, but he showed them that he had the correct money and was going to the customer service booth to purchase the ticket. The police, again in an example of unfeeling bureaucracy, handed him a $220 fine.

My constituent appealed the fine on the ground that it was trifling and had this appeal ultimately rejected. I have looked at the Expiation of Offences Act 1996, and section 4(2)(b) defines trifling as:

> the alleged offender could not, in all the circumstances, reasonably have averted committing the offence…

I would suggest that in this circumstance, given that he had the money but the machines would not take the money, it certainly was impossible for him to avoid committing this offence. These are two examples of administration by the state government which completely lacks compassion, does not meet the values that we would expect of our Public Service and has left two, I believe, quite innocent members of my community much worse off, when both were trying to do the right thing.

WHYALLA STEELWORKS

Mr HUGHES (Giles) (15:19): I rise to talk about, once again, the steel industry and, time permitting, the decommissioning of the *Sydney* and the *Tobruk*. It has been a regular refrain of mine and of others that the economic and social costs associated with the closure of the steelworks in Whyalla would far exceed the cost to government of co-investment or other forms of support. The recently released economic assessment of the loss of steelmaking in Whyalla by Professor John Spoehr from the Australian Industrial Transformation Institute at Flinders University spells out just how significant the impact would be. For Whyalla the loss would be devastating, but there would also be significant statewide impacts and indeed national impacts.

In a summary of the impacts, the report stated that the regional economy of Whyalla will shrink by between $490 million and $530 million in gross regional product, or between 3,550 and 3,940 jobs. The upper limit represents 41 per cent of the local labour market. The summary goes on to say that for every three jobs lost directly in the region at the steelworks, the mine and in transport linked to these operations, there will be another one job lost in Whyalla in areas such as retail, health, education, recreation and personal services. I think the flow-on effects modelled within the Whyalla economy are an underestimate.

The report goes on to say that for every three jobs lost in Whyalla another job will be lost elsewhere in South Australia. The report provides an important qualifier on the above when it states that it should be noted that this does not allow for potential more disruptive effects should some economic activities in the production-induced context lose critical mass and shut down their operations entirely. My view is that those more disruptive effects would inevitably come into play. The negative social consequences would be profound and generational.

The combination of the dire consequences of closure allied to options available to assist at a government level, which will lead to productivity gains, means an assistance package is in the process of being put together to help secure the future of steelmaking in Whyalla. That will represent good news for Whyalla, the state and the nation. The administrators have flagged that the process of seriously working through potential offers to acquire Arrium, either as a whole or in parts, will commence in July. I am very confident that a government assistance package for steelmaking in Whyalla will be part of any sale process.

On a related note, the $10 million Whyalla small business loan program aimed at small to medium-size local contractors that supply Arrium is now starting to generate positive results. One contractor I spoke to yesterday said that if it were not for the program he would be out of business and his employees would be out of work. It would have meant that a business built up over many years of hard work would have gone to the wall. It would have gone to the wall, not because of any decisions the business had made but because of factors entirely beyond the business' control. I cannot overstate the importance of retaining the local supply chain, a supply chain that is part of the economic and social fabric of Whyalla.

On a different note, the next step will be taken in exploring the feasibility of securing one of the Navy's decommissioned vessels for use as a dive wreck in the northern waters of the Spencer Gulf. Two ships are potentially available. One is the *Tobruk*, a supply vessel, and the other is the *Sydney*, which is a frigate. A number of regions interstate are also interested in securing one of the vessels. Premier Weatherill formally wrote to the defence minister recently expressing South Australia's interest.

A lot of factors have to be taken into account when looking at the feasibility of securing a vessel for the Northern Spencer Gulf, which ultimately boils down to what are the costs and what are the benefits. The step that is about to be taken is a formal briefing followed by an inspection of both vessels which are currently moored in Sydney. Securing one of the vessels would be a major tourism plus for the Northern Spencer Gulf but, no pun intended, a lot of water has still to flow under the bridge.

FINNISS ELECTORATE

Mr PENGILLY (Finniss) (15:24): It is interesting listening to the member for Giles on the warship. Member for Giles, if you do happen to secure one, and good luck to you, just make sure they do not do what they did in my electorate with the *Hobart*: they put it in water where the tide runs too fast and you cannot get to it. However, I digress.

I am absolutely delighted that today at Victor Harbor the federal member for Mayo, Mr Briggs, announced a grant of $500,000 to the Victor Harbor Football Club and the Victor Harbor RSL to build a new multi-user facility at the Victor Harbor Oval. I have been in the background on this, plotting away for some time. It is not the entire amount needed, but it is a huge starting gesture and it will be—assuming the council come on board and we can get some money out of the state government—an absolute bonus for Victor Harbor.

It will give the RSL a new home and the Victor Harbor Football Club will benefit of what is currently a tired facility. There will be the capacity for the school to have some education on matters of enormous significance to Australia at the museum the RSL has there. So, I am really pleased about that. It is terrific news. I have spoken to the RSL president, Mr Dave Miller, this afternoon and he is blown away by it. We look forward to that coming on stream in due course.

Another thing I want to raise is that the Independent Commissioner Against Corruption, Mr Bruce Lander, has been doing tours around the state since he took on the role. I have the utmost respect for Mr Lander and the integrity of his position. I think it is good that he goes out and about around South Australia and talks to the regional areas. Just recently, I attended a meeting that he had on Kangaroo Island, along with Mr Wayne Lines, the State Ombudsman. I am concerned that Mr Lander might have been given incorrect information by the council there prior to him speaking.

For example, he talked about the fact that the information was that $300,000 had been spent by the council on legal expenses to do with matters pertaining to members and inquiries and heaven knows what else. My view is that that is erroneous, completely erroneous, and that Mr Lander might have potentially been given the wrong advice. I say that because I actually FOI'd to the end of 30 June of last year the cost to the Kangaroo Island Council. It is in my office and anyone is welcome to look at it. There are several A3 pages, and there is absolutely no way in the world that $300,000 was spent on what was suggested. I think Mr Lander has been put in a very difficult position by that, and I invite him to have a look at that and work it out for himself.

What really concerned me then was that the council over there put out a media release on their letterhead but, as luck would have it, on their website they have left the encryption on the bottom. This is where it gets very murky indeed because the encryption reads:

http://www.kangarooisland.sa.gov.au/webdata/resources/news/Media%20Release%20—and then it says—ICAC%20Final.pdf. What it actually has on there is a link back to Ms Tracy Riddiford, who works in the Office for Public Integrity, as I understand, and it would appear that she is the author of the release which has been put out under the Kangaroo Island Council.

There is something very odd about that, as far as I am concerned. I took some advice on this before I spoke about this in the chamber, on whether I should or not, but it was suggested to me that, indeed, it should be put on the record in the chamber, so I do so. I invite Mr Lander—for whom, I repeat, I have the utmost respect—to have a look at it and to look into the matter. If indeed he has been fed a load of rubbish and hogwash, I dare say he will take appropriate action, but it is important to put it on the record.

PINERY BUSHFIRES

The Hon. A. PICCOLO (Light) (15:29): Today is the six-month mark since the Pinery fires ripped through parts of my electorate leaving a trail of destruction on many farms and townships and scarring many lives forever. The fury of the fires shocked people living in the area who had never experienced anything like it.

Today in this grievance speech, which I have titled The Pinery Fires—the Good after the Bad and the Ugly, I wish to acknowledge those in the community who have done wonderful work to assist the recovery process. The 'good' is a story about how the community in my electorate have banded together and helped each other through the recovery process. They have been the champions of self-help in the true spirit of community. At the outset, I wish to say that in the five minutes allocated to me I cannot possibly mention every great act or deed, but I wish to highlight some of the wonderful actions in the community, and here are some examples.

Kathy Marriner's Creative Chatter group for quilters, sewers, mosaics, artists and knitters has been established following the donation of sewing machines, an overlocker, ironing boards, loads of material and other haberdashery by the Gawler quilters group. The group aims to provide an opportunity for women to get together and get to know each other and share their experiences about the fires while sharing creative activities. Around 20 women attend each fortnight, and more donations are welcome.

Felicity Hams and Fiona Heaslip started Grow it Back, a program to grow plants from donated cuttings, pots and soil, which are given away for free to help rebuild the gardens in Wasleys. The first pop-up nursery was held on Saturday 16 May in the grounds of the newly opened Wasleys post office. It was very well attended, and more plants are being grown for the next pop-up nursery. Donations have been received from as far away as the Riverland.

Wasleys resident Pauline Barton is compiling memories of the Pinery fire into a collection of stories, poems, anecdotes or artwork into the Wasleys Pinery Fire *Memory Book*. Contributions can be left at the Wasleys post office, and children are strongly encouraged to submit a story or a picture. Mrs Lynette Worden has held a number of get-together sessions with around 12 women—mainly farming women—attending for a meet and sharing of their experiences. A couple of the women have lost everything, so there are also a few tears shed during these discussions. They are planning to meet again after seeding is complete.

A number of fundraising events have been held by the local CFS brigades and individuals to support families who are experiencing financial difficulties. One such event I wish to mention is the Christmas in July cabaret, to be held on Saturday 23 July and hosted by the Lines family in their shearing shed. Proceeds from this event will go to the Gordon and Appleton families, who lost their homes in the fires.

Wasleys resident Mr Allan Lange has held a number of barbecues for blokes in the area. These very successful, informal community-based barbecues have encouraged men to share their experiences in a relaxed and informal setting, making a very important contribution to the healing process. Allan's barbecues have been complemented by a barbecue run by the Wasleys Community Group in conjunction with my electorate office and with the support of Willo's Men's Shed. I would also like to acknowledge the support of Gawler Foodland, Gawler Coles and Woolworths, Salt Church, and Wintulichs, who have made contributions to the barbecues. The Wasleys Community

Group have been very active with a range of activities, including a family fun day. The family fun day was supported by many local residents and businesses, and some businesses a little further away, like Golden North Ice Cream.

One community service has received huge plaudits from the community. BlazeAid, with its army of volunteers from across the country, has provided valuable physical and moral support and assistance to farmers in the area. There have been a number of charities and community organisations that have assisted with the recovery process including, but not limited to, Habitat for Humanity, Lions clubs, and Samaritan's Purse.

I would also like to acknowledge the good work undertaken by the Recovery Centre and welcome the new coordinator, Mr Alex Zimmermann. Mr Zimmermann replaces Mr Vince Monterola, whose contract ends this Friday. Mr Zimmermann knows the area well, as his substantive position is chief inspector and the local service area commander for the Barossa region.

In my last speech, I mentioned the community's disappointment with the response from Australia Post. I am happy to advise the house that Australia Post has reacted to the feedback in a very positive way and is exploring ways to address concerns for future emergencies. Communications is still a problem, and I would like to repeat my request to the state government to work with the commonwealth to address the lack of communication towers in the area and to get rid of these blackspots. Finally, hopefully these rains bring some relief and hope for the farmers affected by the fires.

Dr McFETRIDGE: Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Bills

STATUTES AMENDMENT (ELECTRICITY AND GAS) BILL

Introduction and First Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:36): Obtained leave and introduced a bill for an act to amend the Electricity Act 1996 and the Gas Act 1997. Read a first time.

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:37): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill that I am introducing today is an 'omnibus' Bill designed to address a wide range of safety, administrative and legal issues that have become apparent over time, to enable more effective administration and enforcement of the *Electricity Act 1996* and *Gas Act 1997* (the Acts).

The objects of both of the Acts are expanded to clarify that safety and technical standards for electrical and gas installations include standards relating to the design of electrical and gas installations. The Bill provides that electrical and gas installations must be designed in accordance with technical and safety requirements under the regulations.

The Bill enables, but does not require, electricity entities to prune or remove 'hazard trees' which are outside the currently prescribed clearance and buffer zones around powerlines in the bushfire risk area, but could nevertheless fall onto powerlines, thereby creating the risk of bushfire, electric shock or interruption of the electricity supply. This follows from recommendations of the Victorian Royal Commission into Bushfires. Such pruning will require a report from an arborist on the extent of clearance necessary to prevent the tree from falling onto the powerline. The Bill also enables an electricity entity or council and landowner to agree on a period less than the prescribed 30 days written notice for entry onto land for vegetation clearance purposes.

The Bill strengthens bushfire prevention measures by enabling electricity officers (appointed by an electricity entity) to enter land that is not public land in the bushfire risk area at any reasonable time and without prior notice for the purpose of inspecting infrastructure. This will assist in the identification of hazards, including hazard trees.

In any other case, the electricity officer may only enter the land after giving reasonable written notice to the owner or occupier of the land stating the reason, the date and, if practicable, the time, of the proposed entry. A similar provision applies with respect to gas infrastructure.

Authorised officers are granted further powers under the Acts, including power to stop and inspect vehicles, to require infrastructure, installations or equipment to be tested for safety, to require persons to identify themselves and to require persons to attend for interview and answer questions. These powers, and existing powers, may only be exercised as reasonably required for the administration or enforcement of the Acts. The further powers have been identified as necessary, as electricians and gas fitters have been suspected of hiding evidence of offences against the Acts in their vans, and authorised officers have found unidentified persons working on infrastructure, but have not had power to ask them to identify themselves or to present evidence of their authorisation to perform such work. This will contribute to the safety and security of electricity and gas infrastructure and installations.

Authorised officers will also be granted power to issue enforcement notices for the purpose of securing compliance with the Acts. These notices enable authorised officers to require persons to take specified action, comply with standards, undertake specified tests or monitoring, provide reports or stop faulty work from proceeding.

The Bill provides for an increased expiation fee of $1,000 for the offence of reconnecting the electricity or gas supply, or a cathodic protection system, without the written approval of an authorised officer after the supply has been disconnected by an authorised officer or the Technical Regulator for safety reasons. This addresses the serious risks associated with unauthorised reconnections, including those that follow police drug raids on properties.

The Bill aligns the maximum penalty for maintaining an electrical or gas installation with that for performing work that might make the installation unsafe, and sets different maximum penalties for bodies corporate and natural persons. At present the maximum penalty for maintaining a dangerous electrical or gas installation or infrastructure is $250,000 while that for performing unsafe work that could have the effect of making an installation unsafe is $10,000 for electrical and $5,000 for gas installations. A consistent maximum penalty of $50,000 for bodies corporate and $10,000 for natural persons, is set for both offences. The present maximum penalty of $250,000, is retained, but applied only to infrastructure owned by bodies corporate that act intentionally or recklessly.

The Bill streamlines accident reporting and enables more thorough investigation of accidents. It clarifies the circumstances in which accidents must be reported to the Technical Regulator. It also enables the Technical Regulator to restrict access to infrastructure, installation or equipment involved in an accident during investigations, and prohibits interference with such infrastructure, installations or equipment except with the approval of the Technical Regulator or where this is necessary to maintain the integrity of the network or avert an immediate and serious danger, or also, in the case of an accident involving gas, to maintain the gas supply.

The Bill modifies the privilege against self-incrimination for natural persons by requiring them to provide information relating to safety. Such information will, however, not be admissible in evidence in proceedings against the person. This will, for example, require electricians who have performed faulty work in installing downlights, which increases the risk of fire, to disclose where else they have installed downlights. This is consistent with other legislation recently passed by Parliament.

The Bill enables better protection of electricity and gas infrastructure and installations. It increases penalties for persons who, without proper authority, enter enclosures where electrical or gas infrastructure is situated. This will apply in particular to persons who steal copper wire from electrical substations, as such theft can lead to major disruptions of the electricity supply. The Bill also prohibits the burning of materials in proximity to electricity and gas infrastructure without the written authorisation of the owner or operator.

The Bill streamlines administrative processes by transferring responsibility for approving safety, reliability, maintenance and technical management plans (SRMTMPs) under the Acts and the electricity switching manual, from the Essential Services Commission of South Australia (ESCOSA) to the Technical Regulator. This transfer is appropriate as the Technical Regulator has the technical expertise required to assess SRMTMPs and switching manuals, while ESCOSA's expertise is in economic regulation. At present ESCOSA approves SRMTMPs on the recommendation of the Technical Regulator. The Technical Regulator may require a person exempted from the requirement to hold a licence under the Acts to prepare and periodically revise a SRMTMP. The Bill also clarifies that a SRMTMP must be approved prior to the operation of the relevant transmission or distribution system.

The Bill establishes a revised regime for assurances and enforcement orders, similar to that in the *Fair Trading Act 1987*, to enable more effective and flexible enforcement of the Acts. Under the regime ESCOSA or the Technical Regulator may accept an assurance given by a person regarding matters in relation to which they have a power or function under the Acts. Once an assurance has been accepted, ESCOSA or the Technical Regulator must not proceed against the person in respect of the conduct specified in the assurance, unless the person fails to comply with the assurance. In the event of proceedings for a breach of the assurance, the District Court, if satisfied, on the balance of probabilities, that the person has failed to comply with the assurance may make any or all of a range of orders, including prohibition of specified conduct, compensating persons who have suffered loss or other orders that it considers appropriate.

At present a direction to rectify defective electrical or gas installations or equipment may only be given to the person in charge of the installation, or the occupier of the place in which the installation is situated. The Bill enables the Technical Regulator or an authorised officer to give such a direction directly to the electrician or gas fitter who

performed the work if the work was carried out within the last 2 years, and the person in charge of the installation agrees.

The Bill enables prosecutions for non-compliant work on electrical or gas installations to be brought within 3 years (in place of the current 2 years) after the date on which the offence is alleged to have been committed. This is required because non-compliant work is often not identified within 2 years.

Provisions concerning bodies corporate that have become standard in recent legislation have been incorporated into the Bill. One specifies the internal reporting procedures that a body corporate will need to prove if it seeks to establish the general defence available under the Acts by proving the establishment of proper workplace systems and procedures designed to prevent a contravention of the Act. Another is that the conduct and state of mind of persons such as employees acting for bodies corporate within the scope of their usual or ostensible authority, will be imputed to the body corporate.

The Bill will assist the Minister in making more informed decisions on directions to be issued during periods of gas rationing by enabling the Minister to require information to be provided (usually by gas entities and large users) at specified times, for example daily, rather than, as at present, only each time in response to a specific notice.

The Bill clarifies that metering providers are authorised to temporarily disconnect the electricity supply while installing or replacing a meter, and reconnect the supply after the meter has been installed or replaced.

The Bill clarifies that if the Technical Regulator considers that urgent action to issue a public warning statement about unsafe electrical or gas equipment or installation practices is required, the Technical Regulator is not required to conduct a hearing or invite submissions. As a result of this, urgent public warnings which might, for example, be based on information received from regulators in other States, will not be delayed by hearings and the evaluation of submissions. The Bill also applies the existing immunity of the Technical Regulator and the Crown to outside the State to the full extent of the extra-territorial legislative capacity of the Parliament.

Some changes based on provisions of the *Water Industry Act 2012* have been incorporated in the Bill. The maximum penalty for breach of a regulation is increased to $10,000, and authorised officers or electricity or gas officers authorised in writing by the Technical Regulator are enabled to give expiation notices for alleged offences against the Acts.

The Bill enables documents required or authorised to be given to a person to be transmitted by email, thereby modernising the day to day administration of the Acts.

The Department of State Development has consulted with the electricity and gas industries and relevant Government Departments and agencies Those which have commented on the proposals have indicated their support.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Electricity Act 1996*

4—Amendment of section 3—Objects

This amendment is consequential on the insertion of proposed section 61B relating to design of electrical installations.

5—Amendment of section 4—Interpretation

Definitions are inserted for the purposes of the measure.

6—Amendment of section 10—Technical Regulator's power to require information

The Technical Regulator's power to require information is amended.

7—Amendment of section 22—Licences authorising generation of electricity

1 amendment relates to the transfer of regulatory functions relating to the internal switching manual from the Commission to the Technical Regulator. The other amendments relate to the approval of safety, reliability, maintenance and technical management plans.

8—Amendment of section 23—Licences authorising operation of transmission or distribution network

1 amendment relates to the transfer of regulatory functions relating to the internal switching manual from the Commission to the Technical Regulator. The other amendments relate to the approval of safety, reliability, maintenance and technical management plans.

9—Amendment of section 24A—Licences authorising system control

This amendment relates to the approval of safety, reliability, maintenance and technical management plans.

10—Insertion of Part 4 Division 1A

This amendment inserts new Division 1A into Part 4:

Division 1A—General investigative powers of electricity officers

44A—General investigative powers of electricity officers

Electricity officers are authorised to take photographs, films or audio, video or other recordings as reasonably required in connection with the exercise of their powers under Part 4.

11—Amendment of section 48—Entry for purposes related to infrastructure

The power of electricity officers to enter land for inspection purposes or under statutory easement rights is amended to provide for different notice requirements for land in the bushfire risk area and other land.

12—Amendment of heading to Part 5 Division 1

This amendment is consequential on the amendments to Part 5.

13—Insertion of section 55AA

This amendment inserts new section 55AA:

55AA—Powers of electricity entity in relation to vegetation clearance

An electricity entity with a duty under Part 5 to keep vegetation clear of powerlines is authorised to clear vegetation within the bushfire risk area in certain circumstances.

14—Amendment of section 57—Power to enter for vegetation clearance purposes

This amendment allows an occupier to consent to a reduced notice period for entry to land.

15—Amendment of section 59—Requirements relating to electrical installation connection and meter installation

The penalty provision in section 59(1d) is amended.

The definition of *the work of installing or replacing a meter* is amended to include the temporary disconnection of the electricity supply while the work is carried out.

16—Amendment of section 60—Responsibility of owner or operator of infrastructure or installation

This amendment provides for a hierarchy of penalties for owners and operators of electricity infrastructure and electrical installations.

17—Insertion of section 60B

This amendment inserts new section 60B:

60B—Safety, reliability, maintenance and technical management plans

The requirements for certain persons in relation to safety, reliability, maintenance and technical management plans, currently in the *Electricity (General) Regulations 2012*, are elevated to the Act so that a higher penalty for contravention may be prescribed.

18—Amendment of section 61—Electrical installation work

The first amendment increases the penalty for a contravention of section 61(1). Another amendment increases the period within which a prosecution for an offence against section 61(1) may be brought from 2 years to 3 years.

The other amendments are technical.

19—Insertion of section 61B

This amendment inserts new section 61B:

61B—Design of electrical installations

New section 61B provides that an electrical installation must be designed in accordance with technical and safety requirements under the regulations.

20—Amendment of section 62—Power to require rectification etc. in relation to infrastructure, installations or equipment

This clause makes various amendments relating to the Technical Regulator's power to require rectification in relation to infrastructure, installations or equipment.

21—Amendment of section 62A—Public warning statements

This amendment clarifies the circumstances in which the Technical Regulator is not obliged to conduct a hearing or invite submissions in connection with the exercise of certain powers under the section.

22—Amendment of section 62B—Immunity from liability

New subsection (3) provides that it is the intention of the Parliament that the immunity from liability provided for in section 62B apply within the State and outside the State to the full extent of the extra-territorial legislative capacity of the Parliament.

23—Substitution of section 63

This amendment substitutes section 63:

63—Reporting of accidents

Substituted section 63 involves a range of amendments to existing section 63 in relation to the reporting of accidents.

24—Substitution of section 63A

Existing section 63A, relating to warning notices and assurances, is substituted with 2 new sections, sections 63A and 63B:

63A—Warning notices

The existing provisions of section 63A in relation to warning notices are prescribed in the substituted section. Matters relating to assurances are omitted from the section (as new section 63B deals with assurances).

63B—Assurances

New section 63B provides for the Commission and Technical Regulator to accept assurances (currently, assurances are provided for in existing section 63A of the Act).

25—Redesignation of section 63B

Section 63B is redesignated as section 63BA (this redesignation is for numbering purposes).

26—Insertion of sections 63BB and 63BC

This amendment inserts new sections 63BB and 63BC:

63BB—Offence to act contrary to assurance

New section 63BB makes it an offence to act contrary to an assurance.

63BC—Enforcement orders in relation to assurances

The District Court is authorised to make certain orders if satisfied that a person has acted contrary to, or failed to comply with, an assurance.

27—Insertion of Part 7 Division A3

This amendment inserts new Division A3 into Part 7:

Division A3—Enforcement notices

63D—Enforcement notices

An authorised officer may issue an enforcement notice for the purpose of securing compliance with a requirement imposed by or under the Act. The scheme is equivalent to that for enforcement notices under the *Water Industry Act 2012*.

28—Amendment of section 68—Power of entry

This amendment provides for authorised officers to exercise their power of entry (currently applicable to 'places') in a vehicle.

29—Substitution of section 69

This amendment substitutes section 69:

69—General investigative powers of authorised officers

Substituted section 69 involves various amendments to the existing provision concerning general investigative powers of authorised officers. In particular, powers in relation to examination and testing of infrastructure, installations or equipment are amended, along with provision relating to seizure of objects that may be evidence of an offence.

30—Amendment of section 70—Disconnection of electricity supply

Section 70(3) is amended to require the written consent of an authorised officer before the reconnection of supply after disconnection under section 70. An expiation fee for a breach of the provision is fixed at $1,000.

31—Amendment of section 71—Power to require disconnection of cathodic protection system

The offence provision in section 71(3) is amended to specify that a person to whom a direction is given under the section must not reconnect or permit the reconnection of supply without the written approval of an authorised officer.

32—Amendment of section 72—Power to make infrastructure, installation or equipment safe

A range of amendments related to the administration of section 72 by the Technical Regulator are made.

33—Amendment of section 73—Power to require information or documents

This amendment is consequential on the insertion of Part 7 Division 3.

34—Insertion of Part 7 Division 3

This amendment inserts new Division 3 into Part 7:

Division 3—Related matters

74—Self-incrimination

The privilege against self-incrimination is relocated (from section 73) to section 74 and the privilege is extended so that a natural person is not required to give information or produce a document pursuant to a requirement under Part 7 if the answer to the question or the contents of the document would tend to incriminate the person of an offence.

The privilege is modified to enable authorised officers to obtain information or documents relating to the administration or enforcement of Part 6 relating to the safety of electricity infrastructure, an electrical installation or electrical equipment (but the information or document given or produced is not admissible in evidence against the person in proceedings for an offence).

35—Amendment of section 75—Review of decisions by Commission or Technical Regulator

The insertion of section 75(1a) is consistent with the review provisions relating to enforcement notices in the *Water Industry Act 2012*.

36—Substitution of section 76

This amendment substitutes section 76:

76—Appeals

Section 76 is substituted so that the section allows for an appeal to the District Court by a person to whom an enforcement notice has been issued (in addition to the appeals already provided for under section 76).

37—Amendment of section 80—Power of exemption

This amendment is consequential on the transfer of regulatory functions relating to the internal switching manual from the Commission to the Technical Regulator.

38—Amendment of section 84—Unlawful interference with electricity infrastructure or electrical installation

The first amendment increases the penalty for an offence against subsection (2). The other amendment increases the penalty for an offence against subsection (3), includes the word 'substance' in the provision and elevates to the Act (in subsection (4)) an offence provision currently located in the *Electricity (General) Regulations 2012*.

39—Insertion of section 91B

This amendment inserts new section 91B:

91B—Offences

Authorised officers are empowered to issue expiation notices.

40—Amendment of section 92—General defence

New subsection (2a) makes provision related to the establishment of the defence provided for by the section.

41—Insertion of section 93A

This amendment inserts new section 93A:

93A—Imputing conduct to bodies corporate

New section 93A is necessary in connection with the introduction of a mental element into certain 'aggravated' offence provisions by other amendments in the Bill (see, for example, the amendments to section 60).

42—Amendment of section 97—Service

Service by email is provided for.

43—Amendment of section 98—Regulations

The limit on the maximum penalty for a breach of a regulation is raised to $10,000 (from $5,000).

44—Transitional provisions

This clause provides for transitional provisions for the purposes of the measure.

Part 3—Amendment of *Gas Act 1997*

45—Amendment of section 3—Objects

This amendment is consequential on the insertion of proposed section 56A relating to design of gas installations.

46—Amendment of section 8—Functions of Technical Regulator

An additional paragraph is included in section 8(1) to allow functions to be conferred on the Technical Regulator by the regulations or by or under the Act or any other Act. An equivalent paragraph exists in the equivalent provision in the *Electricity Act 1996*.

47—Amendment of section 10—Technical Regulator's power to require information

The Technical Regulator's power to require information is amended.

48—Amendment of section 26—Licences authorising operation of distribution system

This amendment relates to the approval of safety, reliability, maintenance and technical management plans.

49—Amendment of section 37A—Minister's power to require information or documents

The Minister's power to require information or documents is amended.

50—Insertion of Part 4 Division 1A

This amendment inserts new Division 1A into Part 4:

Division 1A—General investigative powers of gas officers

45A—General investigative powers of gas officers

Gas officers are authorised to take photographs, films or audio, video or other recordings as reasonably required in connection with the exercise of their powers under Part 4.

51—Amendment of section 48—Power to enter for purposes related to gas entity's infrastructure

Gas officer's power to enter for purposes related to a gas entity's infrastructure is amended.

52—Amendment of section 55—Responsibility of owner or operator of infrastructure or installation

This amendment provides for a hierarchy of penalties for owners and operators of gas infrastructure and installations.

53—Insertion of section 55A

This amendment inserts new section 55A:

55A—Safety, reliability, maintenance and technical management plans

The requirements for certain persons in relation to safety, reliability, maintenance and technical management plans, currently in the regulations, are elevated to the Act so that a higher penalty for contravention may be prescribed.

54—Amendment of section 56—Certain gas fitting work

The first amendment increases the penalty for a contravention of section 56(1). Another amendment increases the period within which a prosecution for an offence against section 56(1) may be brought from 2 years to 3 years.

The other amendments are technical.

55—Insertion of section 56A

This amendment inserts new section 56A:

56A—Design of gas installations

New section 56A provides that a gas installation must be designed in accordance with technical and safety requirements under the regulations.

56—Amendment of section 57—Power to require rectification etc. in relation to infrastructure or installations

This clause makes various amendments relating to the Technical Regulator's power to require rectification in relation to infrastructure, installations or appliances.

57—Amendment of section 57B—Public warning statements about unsafe gas installations, components, practices etc.

This amendment clarifies the circumstances in which the Technical Regulator is not obliged to conduct a hearing or invite submissions in connection with the exercise of certain powers under the section.

58—Amendment of section 57C—Immunity from liability

New subsection (3) provides that it is the intention of the Parliament that the immunity from liability provided for in section 57B apply within the State and outside the State to the full extent of the extra-territorial legislative capacity of the Parliament.

59—Substitution of section 58

This amendment substitutes section 58:

58—Reporting of accidents

Substituted section 58 involves a range of amendments to existing section 58 in relation to the reporting of accidents.

60—Substitution of section 61A

Existing section 61A, relating to warning notices and assurances, is substituted with 2 new sections, sections 61A and 61AB

61A—Warning notices

The existing provisions of section 61A in relation to warning notices are prescribed in the substituted section. Matters relating to assurances are omitted from the section (as new section 61AB deals with assurances).

61AB—Assurances

New section 61AB provides for the Commission and Technical Regulator to accept assurances (currently, assurances are provided for in existing section 61A of the Act).

61—Insertion of sections 61BA and 61BB

This amendment inserts new sections 61BA and 61BB:

61BA—Offence to act contrary to assurance

New section 61BA makes it an offence to act contrary to an assurance.

61BB—Enforcement orders in relation to assurances

The District Court is authorised to make certain orders if satisfied that a person has acted contrary to, or failed to comply with, an assurance.

62—Insertion of Part 6 Division A3

This amendment inserts new Division A3 into Part 6:

Division A3—Enforcement notices

61D—Enforcement notices

An authorised officer may issue an enforcement notice for the purpose of securing compliance with a requirement imposed by or under the Act. The scheme is equivalent to that for enforcement notices under the *Water Industry Act 2012*.

63—Amendment of section 66—Power of entry

This amendment provides for authorised officers to exercise their power of entry (currently applicable to 'places') in a vehicle.

64—Substitution of section 67

This amendment substitutes section 67:

67—General investigative powers of authorised officers

Substituted section 67 involves various amendments to the existing provision concerning general investigative powers of authorised officers. In particular, powers in relation to examination and testing of infrastructure, installations or appliances are amended, along with provision relating to seizure of objects that may be evidence of an offence.

65—Amendment of section 68—Disconnection of gas supply

Section 68(3) is amended to require the written consent of an authorised officer before the reconnection of supply after disconnection under section 68. An expiation fee for a breach of the provision is fixed at $1,000.

66—Amendment of section 69—Power to make infrastructure or installation safe

A range of amendments related to the administration of section 69 by the Technical Regulator are made.

67—Amendment of section 70—Power to require information or documents

This amendment is consequential on the insertion of Part 6 Division 3.

68—Insertion of Part 6 Division 3

This amendment inserts new Division 3 into Part 6:

Division 3—Related matters

70A—Self-incrimination

The privilege against self-incrimination is relocated (from section 70) to section 70A and the privilege is extended so that a natural person is not required to give information or produce a document pursuant to a requirement under Part 6 if the answer to the question or the contents of the document would tend to incriminate the person of an offence.

The privilege is modified to enable authorised officers to obtain information or documents relating to the administration or enforcement of Part 5 relating to the safety of gas infrastructure, installations or appliances or for the enforcement of Part 3 Division 5 (but the information or document given or produced is not admissible in evidence against the person in proceedings for an offence).

69—Amendment of section 71—Review of decisions by Commission or Technical Regulator

The insertion of section 71(1a) is consistent with the review provisions relating to enforcement notices in the *Water Industry Act 2012*.

70—Substitution of section 72

This amendment substitutes section 72:

72—Appeals

Section 72 is substituted so that the section allows for an appeal to the District Court by a person to whom an enforcement notice has been issued (in addition to the appeals already provided for under section 72).

71—Amendment of section 81—Unlawful interference with distribution system or gas installation

New subsections (2), (3) and (4) will result in consistency with the equivalent provision relating to electricity infrastructure and electrical installations (as amended by the Bill).

72—Insertion of section 87A

This amendment inserts new section 87A:

87A—Offences

Authorised officers are empowered to issue expiation notices.

73—Amendment of section 88—General defence

New subsection (2a) makes provision related to the establishment of the defence provided for by the section.

74—Amendment of section 89—Offences by bodies corporate

This amendment removes the reference to section 34D (which was repealed by the *Statutes Amendment (National Energy Retail Law Implementation) Act 2012*).

75—Insertion of section 89A

This amendment inserts new section 89A:

89A—Imputing conduct to bodies corporate

New section 89A is necessary in connection with the introduction of a mental element into certain 'aggravated' offence provisions by other amendments in the Bill (see, for example, the amendments to section 55).

76—Amendment of section 94—Service

Service by email is provided for.

77—Amendment of section 95—Regulations

The limit on the maximum penalty for a breach of a regulation is raised to $10,000 (from $5,000).

78—Transitional provisions

This clause provides for transitional provisions for the purposes of the measure.

Debate adjourned on motion of Dr McFetridge.

RETIREMENT VILLAGES BILL

Committee Stage

In committee (resumed on motion).

Clause 26.

Dr McFETRIDGE: On clause 26, I asked a series of questions that the minister can take on notice. I am not sure whether she has agreed to take them on notice, but they are: are there protections in place for small operators? How can the bill protect against sales being rushed at a lower price to avoid the buyback? Will such rushed sales affect the value of other residences of the villages? Will statutory buybacks deter banks from lending to small to medium retirement villages? There is a series of questions, and I am happy to put them on record now, if you want them.

The Hon. Z.L. BETTISON: I am happy for the minister for Morphett to put them on the record. I will endeavour to answer them if I can. Can I just go back to one of the key aspects of the statutory repayment. While we added that in there, the resident can elect not to receive payment and wait until relicensing occurs. If they feel that the relicensing amount they have been offered, even with an independent valuation, is not what they were expecting, they do not have to accept it at 18 months. I think that in relation to this idea that there is pressure at a lower amount, they do have the ability to continue to stay on in there and wait until the independent living unit is relicensed.

Dr McFETRIDGE: I have some other questions that the minister might want to either answer now or take on notice. I think the member for Hammond asked a similar question, but have the particular impacts for regional and low socioeconomic areas been quantified? Is there a risk that operators will contract to take a larger share of the capital gain of a unit if the buyback is in place? Did the minister consider other ways to facilitate the timely sale of properties—for example, allowing a resident to take over the marketing of a property or to take on joint marketing from the word go?

Clause 26(10) talks about the Real Property Act and the charges referred to in that act. Is it not a fact, though, that these owner-operators are not registered real estate agents, so how are they

incorporated into the Real Property Act? Is there a move to compel them to become licensed real estate agents, or have you considered the owner operators having to either appoint an agent of their own or from a panel of agents?

Perhaps that panel of agents could be then used by the residents as well, if they are seeking to have a second opinion, basically, or another view. Even today, I was talking to one of my colleagues who has just sold a property. They are paying 1.75 per cent to the real estate agent. Most of the owner operators are charging a 3 per cent remarketing fee, so I think there is a real issue there.

The Hon. Z.L. BETTISON: I previously answered a question about the regional impact statement, but can I just talk a little bit about the 92 villages in rural and remote SA because I know this is obviously a concern of the member for Hammond. I am reflecting about what their repayment plan is currently.

The Murray Lands Retirement Village at Murray Bridge has a six-month repayment, and Murray Bridge Lutheran Homes has 12 months. Resthaven Murray Bridge is not contracted. They endeavour to pay within four weeks. The Hallmont Estate in Mount Gambier is 12 months. Renmark Paringa Homes for the Aged is 30 days. Berri Cottage Homes is operating from a waiting list, and I take it from that they then have a short relicensing time. The Whyalla village is 14 days. Kirton Point in Port Lincoln is 90 days, the Copper Coast council is two years and the Taberefta at Tailem Bend is upon relicensing.

You can see there are quite a few villages already that do less than 18 months and, although there will be some operators who do not have that kind of clarification in the contract, when I look here at different things there is a for-profit operator who has both regional and metro villages—about a dozen villages. They have five years after the resident vacates in the village, and a for-profit metro operator with almost a dozen villages has 10 years in their contract. While we think there are some people out there who have not listed this in their contract, and that is of great concern to us, there are quite a few villages out there, both in the regional and metro areas, who are relicensing in a short period of time.

Mr PEDERICK: I think you mentioned the Copper Coast was two years, so they are already outside of your 18-month framework. What impact will it have on villages in that area?

The Hon. Z.L. BETTISON: Obviously, from the time after we have had the discussions of the regulations and the act commences, for those people who say they want to leave post that date the statutory repayment would impact after 18 months.

Mr DULUK: I want to go back to subclause (7), and I know the minister has touched upon this. Minister, could you possibly just explain why in the 2015 draft regulation it was 'special circumstance' and now we have moved to 'serious financial hardship' in terms of the definition there. What triggered that? What consultation was taken on that, etc?

The Hon. Z.L. BETTISON: I will just get some advice on that. I understand it was the opposite way around, but there was a difference between the two. Can I just go back to a point that the minister for Morphett made in regard to subclause (10), which provides:

> Despite the Real Property Act 1886, the charge referred to above ranks in priority to any other mortgage, charge or encumbrance.

What that clarifies is that the rights of the resident—

Members interjecting:

The CHAIR: You could listen to the answer. She is actually working really hard. He is actually the member for Morphett, rather than the minister, which you said a couple of times. That will stop them laughing.

The Hon. Z.L. BETTISON: My apologies.

The CHAIR: You need to listen to the answer because the minister is actually trying to address all your concerns.

The Hon. Z.L. BETTISON: The member for Morphett—

The CHAIR: We know what you mean, but you are concentrating really heavily on answering the question.

The Hon. Z.L. BETTISON: It clarifies that the rights of the resident rank over any mortgage, charge or encumbrance, so if there was an issue here, the resident has rights above the others. I think clarification has been sought.

The CHAIR: Member for Davenport, have you finished your line of questioning?

Mr DULUK: I have not had an answer.

The CHAIR: You have not had an answer?

Mr DULUK: No.

The CHAIR: This was actually canvassed quite substantially by the member for Colton before lunch. The question, briefly, was?

Mr DULUK: What consultation process was undergone to change the wording from 'serious financial hardship' to 'special circumstances'?

The Hon. Z.L. BETTISON: I thank the member for his question. The 2015 bill that was distributed said 'financial hardship' and the 2016 bill said 'special circumstances'. I understand we had discussions with the SACAT tribunal and it was a recommendation not to restrict only to financial reasons under this section.

Dr McFETRIDGE: What sort of special circumstances are contemplated? Will the SACAT be able to extend the period for any other reason besides what may be considered special circumstances?

The Hon. Z.L. BETTISON: Can I perhaps reiterate what I said previously. The SACAT is a judicial body and any decision made is considered and determined on each circumstances, weighing up the benefit and detriment to each party. The tribunal advised us that they would consider why the situation has arisen. Is it for reasons essentially unrelated to the administering authority? Has it arisen due to unscrupulous behaviour of an operator? Is it one-off or is there a consistent problem with the village concerned? Is the village a small not-for-profit or does it have the backing of a large corporation?

These are only some of the considerations made by the SACAT, and it is appropriate that we do not restrict its ability to deal with a matter in the most appropriate way. I think I gave some examples previously of a natural disaster that might impact the area and, of course, that would be taken into consideration.

Dr McFETRIDGE: Can the SACAT make an order other than an order to extend the buyback under special circumstances? Are they able to make orders for a partial payback or a time payment or something like that?

The Hon. Z.L. BETTISON: I am advised that the SACAT can make ancillary orders at its discretion. Without pre-empting a judicial decision, I think the tribunal would look at the situation and then make a decision that would be a remedy or a way forward under the act. One of the things I think we have not touched on is that there is a sunset clause in the bill to review the statutory repayment period after five years. Obviously, cases where people have gone to the tribunal will give us an opportunity to review and reflect on decisions made.

Dr McFETRIDGE: Is there an opinion out there that they should be able to make other orders—for example, a time payment, so that rather than just extending the time of the payment, paying off a partial amount or, if a resident requires an immediate lump sum, being able to just pay that particular amount and hang onto the rest?

The Hon. Z.L. BETTISON: I do not have any further details, member for Morphett, as you have asked. I think it is quite clear here:

> The Tribunal may, when making an order under subsection (7), make any consequential or ancillary orders it thinks fit.

I am satisfied that that will cover many situations.

Dr McFETRIDGE: They could make an order for a partial payment then. The wording in subclause (2) is that the specified conditions are fulfilled, or a period of 18 months has elapsed, or the operator agrees to pay the exit entitlement to the resident. There is a fair degree of flexibility. Was that worded that way to give owner operators the opportunity to then go to SACAT and apply for special circumstances? With that combination or permutation of those subclauses I think it opens the opportunity for owner-operators to go to SACAT and say, 'Look, we are having some issues here.' It may just be a technical wording, that is all; I am not sure. Is it worded that way?

The Hon. Z.L. BETTISON: I am sorry. Could you clarify your question?

Dr McFETRIDGE: Wonderful people draft our legislation—and I think I mentioned this in my second reading speech. We have an Acts Interpretation Act and, to me, that is an indication that our acts of parliament are perhaps a bit more complicated, complex and full of ifs, buts and maybes, but not enough shalls. This subclause has three paragraphs and subparagraphs (i) and (ii), and it seems to give a fair range of opportunity for the owner operators to go to SACAT and apply for an extension of special circumstances. This may just be standard drafting. I am a humble veterinarian not a lawyer.

The Hon. Z.L. BETTISON: Can I clarify something. This has been the key aspect of the bill that people have focused on. There are many aspects in this bill that I think balance the needs of the consumer protection for the residents and transparency in working with the operators. But this is one of the areas. Let me clarify this clause for you, as I am advised.

The resident ceases to reside in the village and, after 18 months, if the resident is not relicensed, the operator will be required to repay the resident their exit entitlement in accordance with their resident's agreement; or provide notice in writing to the operator that they intend to leave the village and have the operator remarket their residence while the resident remains in occupation.

The operator must remarket the residence. If it is not relicensed within 18 months of the operator receiving the notice, the operator must repay the exit entitlement to the resident in accordance with the provisions of their resident's agreement. The resident at this point must cease to reside in the village, or a resident provides notice of their intention to cease to reside in the village and an operator may offer to buy back the licence to occupy the residence from the resident in accordance with the provisions of their resident's contracts.

The CHAIR: Member for Hammond, perhaps a final question from you. I think we have canvassed as much as we possibly can on clause 26. Do you have a burning question?

Mr PEDERICK: I will try to round it up.

The CHAIR: That would be good.

Mr PEDERICK: Well, there might be a few.

The CHAIR: Well, let's have a go and we'll see.

Mr PEDERICK: Yes, okay. What I am intrigued with is this statutory buyback. From my understanding, it was not a recommendation of the select committee, so I am interested to see where that has come from, especially after a bipartisan select committee has had a look at retirement villages.

I am absolutely concerned, and I want to know, if there has been any consultation with financiers, especially in regard to rural villages, that will have different equity levels necessary to own those villages compared with an urban area. It happens in every other business in the rural area; it is just the way it is, I understand that. On top of that, what is the government going to do in regard to, say, someone who might own 20 units when suddenly he has three to five of them on statutory buyback and just cannot afford to buy them out? He either falls over or the government is going to have to put in a guarantee. I seek some comments.

The Hon. Z.L. BETTISON: That is not the role of the government. I think what we have had in this—

Mr Pederick: So they just fall over.

The CHAIR: Order, member for Hammond!

The Hon. Z.L. BETTISON: In the bill the ability, as I have talked about several times, is to go to SACAT to talk about the situation, and that is why we have that aspect of the bill.

Mr Pederick: They won't give you any money.

The CHAIR: Order!

The Hon. Z.L. BETTISON: I acknowledge that the select committee did not specifically recommend the introduction of a statutory repayment period. However, this change would help address a range of concerns made by residents to the select committee, including those where a resident of their estate had to wait many years for settlement with no recourse or ability to influence the marketing of the unit.

We also believe that the statutory repayment will encourage an operator to remarket the unit to the best of their ability. We know that there have been statutory limits in common practice under other RV legislation in other jurisdictions but, of course, this is unique to our retirement villages, which are the most established and we have the highest percentage of people in our state who live in retirement villages compared with other states.

We had approaches by financial institutions operating in this industry. They did have concerns about the 12 months, and that influenced my decision to find that balance between the needs of the residents and operators and move to the 18 months, so that was taken on board.

Ms COOK: I have a question that may well have been asked, but there seems to be a lot of toing and froing around it anyway. In relation to the statutory buyback—which was the issue the single largest number of people came to my electorate office to question in this act—has there been some work done in relation to the average times in country versus metropolitan and the impact that might have in terms of the villages? I understand the member for Hammond's question just now was particularly in relation to how many people that might affect at once. Has that been addressed at all with owners?

Members interjecting:

The CHAIR: Order!

The Hon. Z.L. BETTISON: I thank the member for Fisher for her interest. She has maintained a long interest in this area, following in the footsteps of the former member for Fisher.

One of the things we do not have is a register of how many people at this point are relicensing their right to occupy. We do not have those details. What we have looked at is the influence of the real estate market within licence to occupy. There are some differences between the metro and the city areas. We looked at some core logic data, and the average number of days on market for metro areas was 76 days.

This is normal real estate, which often is the trigger point for people to come in. The average number of days on the market for rural areas is 117 days and the overall average was 83 days. That is the data we looked into at that time. We know that the Property Council has provided data that the average time it takes to relicense a retirement village independent living unit is 315 days. When we look at that, we are thinking that is less than a year, and then an additional six months (the 18 months) we think is a fair call.

We can endeavour to continue to work with the industry to have clearer data. As I said before lunch, many of these operators treat their data as very much commercial-in-confidence. It is a competitive industry, and they each have different ways of marketing and how they market. We have a variety of units throughout South Australia, some very brand-new units, very high end, and at more entry level. So different groups, were they for-profit or not-for-profit, had their way of remarketing.

They have tended to keep some of those figures close to their chest. We will endeavour to have a more thorough understanding, if they are willing, but there are a lot of commercial ways, including the different business models that different retirement villages have. In fact, I am not sure if you were in the house before when I said that even within one village there might be five different types of contracts, depending on when people entered and who owned the village at that time.

Dr McFETRIDGE: This is my last question on this clause, and the minister will probably be quite pleased about that. The minister can either give an answer now or take it on notice: did the government consider the opportunity for a person transferring from one retirement village to another residence to have an exchange of capital to fund the latter right to reside? Was there ever consideration that there be some sort of common pool of funds that owner-operators could use, or even just transfer the funds from one residence to another?

The Hon. Z.L. BETTISON: I thank the member for his question. That was not actually raised with us, the ability to transfer from one retirement village to another. I am advised though that, if you are within the same group (villages owned by the same group), there is the capacity for that to happen. If someone wanted to move from Stockland here in Adelaide to a Stockland residence at Victor Harbor, they may well have the facility for that to happen. However, as I understand it, that was not raised during consultation on the bill.

It is interesting that you do raise that because often that has been raised in regard to bonds in consumer and business affairs, whether there is the ability to transfer bonds from place to place. It is something that I have an interest in, looking forward, because there is that administration between the two.

Clause passed.

Clause 27.

Dr McFETRIDGE: Clause 27 is the payment of capital fund contributions deducted from the exit entitlement. We understand that that is standard and has been happening in the past. My question revolves around capital fund contributions and the use of capital replacement funds. There was a concern raised in the committee that the capital replacement fund could be used to then fund the redevelopment of a retirement village or even build just a few new units. Has that been looked at in the scope of this bill?

The Hon. Z.L. BETTISON: As I understand it, the contract will dictate about the use of the capital fund, but what this clause specifically focuses on is that it must be paid within 10 business days of making the deduction. We have had some devastating occurrences where this did not happen, where someone's unit was relicensed and that money then was not given to them. It was not paid into the appropriate account, so this is clarifying that.

Clause passed.

Clause 28 passed.

Clause 29.

Dr McFETRIDGE: Clause 29 is about arrangements if a resident leaves to enter a residential aged-care facility. Can the minister give the committee some examples of how many people will transfer each year and the economic impact on the owner-operators of those transfers, particularly with these changes that are being introduced?

The Hon. Z.L. BETTISON: I am afraid I do not have that information because we do not ask them to report how many people pass on or leave, or how many people might go on to aged care. Can I touch on this clause because I think this is a particularly important clause. This is a really stressful time when people do have to leave their retirement village to go into residential aged care, and there are some concerns about how that payment works.

What this bill does in this particular clause is it aims to provide greater flexibility to the way operators can provide early repayment to eligible residents. 'Eligible residents' means that it has to do with their financial eligibility here, and this was recommended, I understand, by the select committee. There was some feedback that the initial Retirement Villages Bill 2015 did not align with aged-care reforms that came into effect on 1 July 2014, so we have done quite a bit of work with the commonwealth to make sure that we were clear about how those reforms now feed into the system.

Following this feedback, OFTA received advice on the impact and had some further consultation with stakeholders. It was based upon this advice that residents who met eligibility requirements would be able to apply for the village operator to meet daily payments for a residential aged care facility until the resident's exit entitlement was due or when the payments reached

85 per cent of the estimated exit entitlement. The operator would be able to deduct these daily payments from the resident's exit entitlement.

Dr McFETRIDGE: Can you, perhaps between the houses, see if you can get some estimation of how many people transfer each year and the economic impact of that? With that, we can go on to clause 31, if you want, ma'am.

The CHAIR: Can we get that information? It is not kept anywhere.

The Hon. Z.L. BETTISON: I will endeavour to get you some information. Can I just reiterate the fact that there are some commercial realities around the information, that not often are people happy to share those movements, but perhaps we can provide some estimations. Obviously, they are going to change from year to year because you might have more people move at one time and it depends on what they do.

Can I just go back to one of the things that I talked about before, when I mentioned some changes in the industry. Residential aged care will continue to be an important part of the accommodation provided. With the changes of the commonwealth, we will see that consumer directed care, which is care to the home, which enables you to age in place, is really going to be the norm now. At the first level, you can be assessed and have a home support program, and that will provide you initially with some help to go shopping, some help to clean the house, some help to have daily personal care. At a greater level, you will be reassessed through the ACAT process and then your needs will be considered. There are different packages: levels 1, 2, 3 and 4.

At the moment, the commonwealth releases a certain number of packages into the state where they assess the needs. We will see people having quite high levels of support provided in the home. What I foresee will happen with the industry, and in particular retirement villages, is people will be residents for much longer than they have traditionally been. I think if the ability is for them to stay in their home, then they will seek that ability. While there will still need to be growth in residential aged care and while people will need 24-hour, seven day a week care—there is no doubt about that—I do not think it will slow down, but there will be more options about when you go into residential aged care.

We know that in the UK, for example, a much higher percentage of people die at home. We are almost the inverse here in Australia. We still believe in our minds that many of us will probably die in the hospital, yet when we talk to people that is not their belief or their desire. With this increase in consumer directed care, I think we will actually see fewer people moving into residential aged care. To some extent it will be end-of-life care. I know a lot of people will say, 'You know what? I don't want to spend the last six months of my life there, I want to be at home.'

As we improve our ability to deliver home care packages, I think we will see people stay in situ, whether it be their own home, maybe a Housing SA home or a retirement village. We will see that increase somewhat. I think this is a really important way of being clear about the process, and I do think we are in a time of transition.

During this process I met many retirement village residents who really enjoy living where they are. They enjoy the camaraderie that they have, the social aspect of being where they are, the security of being where they are, and I think most of them would like to stay there for as long as possible. So, I see some transition in the industry. While this will always remain important, I think that you will see retirement village operators look at different ways to support their residents to stay for longer in the village.

Dr McFETRIDGE: Thank you for that. As a point of clarification on what the minister just said, for the number of people who are going into aged-care facilities and then using the exit fees to pay for their aged care, unfortunately, they will not have a home to go to when they retire. Has consideration been given to some—and this is sort of thinking left field here—way of allowing people to go back into retirement village situations when they do not want to die in a hospital? Seventy-five per cent of people in Western Australia die at home, whereas it is about 25 per cent here. If you do not have a home to go to, it is a pretty tough position to be in.

The Hon. Z.L. BETTISON: I guess this takes us a little bit off side of the bill, but I think it is important, but one of the things I am hearing about, as Minister for Ageing, is re-enablement. When

I have spoken to people, often the decision to move is quite quick and quite rushed. So, someone who might be quite independent in their own home has an accident or an illness and that is a time of concern for them and their children. Often, that is when decisions are made: 'Mum can't live here by herself anymore. We need to move her. She is in the hospital now. I don't think she can live independently anymore. She has to go either to residential aged care or maybe to a retirement village.'

One of the things we see, with a program like ViTA, in Daw Park, is giving people some space. What that enables them to do is to go through an eight-week program to rebuild their strength. What that does is give them choice, the choice that they have to understand is that their ability to live independently has been changed and is unlikely to change again, or they regain their strength and their independence and that they can continue to live, maybe with some extra support services.

I think you and I are very much on the same page, member for Morphett. We need to have some flexibility within the system. I do get concerned when there is an incident, an illness or an accident, and people feel that they, in a very short space of time, have to make quite important decisions about where they are going to live. The re-enablement process, and that might be through services to the home or you might be in something like ViTA, enables people to gain a little bit of time to then reflect on what their next move will be.

When I speak to most people they want to stay in their home, but they want to feel safe and they want to feel secure, and I guess, not more importantly but equally as important, their children want to feel that their parents are safe and secure.

Mr DULUK: In clause 29(3), a few people have put to me (and this is residents) to the way an operator chooses to pay the daily accommodation payment (DAP) instead of paying the refundable accommodation deposit (RAD), and this is obviously, as you know, transitioning to aged care. Correct me if this is wrong, but essentially residents can also be charged a daily interest on an outstanding RAD as they are transitioning, which is a very high daily payment, whilst the accommodation payments, the DAP, are being paid by the operators.

Should these be able to be deducted from the exit entitlement and, of course, if an exit entitlement is being held up for a period of time there is a discrepancy. So, what is being done to accommodate that? Obviously, this section does not really allow for that provisioning; a resident who has gone into an aged-care facility, if it is for 18 months, can be out of pocket for quite a long time.

The Hon. Z.L. BETTISON: I accept the complication the member has raised, and SARVRA has written to me this past week. I think you probably received a copy of that letter detailing some of the interest. What we have moved so far is to allow flexibility. While I acknowledge it does not cover the issue of interest you have raised, what it does is move somewhat from the current operation as it is. While I acknowledge that there will be costs in regard to interest, the flexibility that is incorporated in this bill I believe takes us some way to provide that support.

Mr DULUK: There is no flexibility if you are paying high interest for 18 months because you move into residential care. There is no flexibility for you at all. In the current 2005 version of the bill, within 60 days of receiving the application the premium has to be paid to secure your place in the care facility. We have gone from what I would say is a pretty good system to one of no flexibility.

The Hon. Z.L. BETTISON: My understanding is that some of the triggers for the changes here were to do with the commonwealth change of how they administer residential aged care, and so that was changed. Previously, you had to have a bond, and now you have the RAD or the DAP that you can pay. I am happy to provide a further briefing for you. This concern about interest has been raised, and it is not addressed at this stage in the bill.

Mr DULUK: Thank you, and you are correct: it is now a RAD or a DAP. In the 2005 amendment act of the RV Bill, either way within 60 days the majority of the premium had to be paid. That surely can still apply whether it is a RAD or a DAP at the moment.

The Hon. Z.L. BETTISON: I guess this is an example of the balance we have attempted to achieve between residents and operators. This was a concern that operators raised with us if they had multiple people leave at once. In the spirit of negotiation, looking at the balance of the bill, that is what we have proposed and that is what we intend to go forward with.

Clause passed.

Clause 30.

Dr McFETRIDGE: On clause 30—Certain taxes, costs and charges must not be charged to residents, subclause (2) states that the land tax, for example, can be passed on if the residence is not being occupied by the residents as his or her principal place of residence. Minister, can you give the committee some examples of how many retirement village residence licence owners are not actually using it as their principal place of residence?

The Hon. Z.L. BETTISON: As I am advised, currently we do not have any examples of that.

Clause passed.

Clause 31.

Ms COOK: In regard to clause 31, the surplus and deficit is only mentioned in the transitional provisions, in special resolutions. On division 3, clause 31—Convening meetings of residents, how does the bill address the clarity around deficits and surpluses in their meetings? There were no clear arrangements previously for dealing with deficits and surpluses. How does it address it now?

The Hon. Z.L. BETTISON: Can I just talk a little bit about it. It is detailed in schedule 2 part 4, at the back. It provides greater clarity in dealing with deficit and surplus funds, and a maintenance fund is another positive aspect of the bill. With often no clear arrangements, this can be seen as an area of concern for residents who put their money into these funds without knowing ultimately how they might be used.

The new arrangement ensures that within six months of the commencement of the bill a policy will be established for dealing with surpluses and deficits within a village, as approved by a special resolution of residents. If the policy is not adopted, the regulations will prescribe how the funds are managed. Knowing what you are paying for something I think is a basic right. It was very clear to me that this was something that not in all villages, but in some, had become quite a contentious issue. That was expressed clearly to me at one or two of the forums. I draw your attention to schedule 2.

Clause passed.

Clause 32 passed.

Clause 33.

Dr McFETRIDGE: Clause 33—Offences relating to meetings, provides:

(1) An operator who fails to comply with section…is guilty of an offence.

Maximum penalty: $10,000.

Expiation fee: $315.

Minister, can you tell the committee how often offences have occurred and how many fines have been issued in the last 12 months or so?

The Hon. Z.L. BETTISON: As I am advised, the current act has no fines in this area. This clause enables us to provide expiation notices particularly for repeat offenders.

Clause passed.

Remaining clauses (34 to 66), schedules and title passed.

Bill reported without amendment.

Third Reading

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (16:23): I move:

That this bill be now read a third time.

I want to acknowledge the work of many people from the Office for the Ageing, who are here, particularly Vanessa. The team has lived and talked retirement villages for quite some time now. I particularly wanted to take the work of the select committee, which I think was incredibly thorough—I know that it was the bipartisan select committee—and go out and consult. We wanted to consult thoroughly on this. We had more than 300 submissions.

We used the opportunity to put it up on the YourSAy website. For me, this is my third piece of legislation as a minister, and I found was that this was a really positive engagement tool. Not only did we use some of the traditional methods of sending out the proposal to stakeholders, including those peak groups which include the Property Council, ACS and some of the other groups that are around, we also had, of course, our Retirement Villages Advisory Committee, which I think has about 20 members on it, providing a subset of both residents and operators, for-profit and not-for-profit, rural and metro.

We know that this is significant legislation. We know that there was a lack of transparency and a lack of clarity. I can tell you as Minister for Ageing that I have personally had a positive experience with retirement villages. I know my grandparents enjoyed living where they did for some time, but I have unfortunately had to read many of the more negative experiences people have had.

One of the key issues, which I think the member for Heysen raised as well, is that people have not understood their contract going in. So, while they were making one of the most significant decisions of their life to have a licence to occupy and also, from week to week, pay maintenance fees, etc., we needed to move to give greater clarity, and that clarity needed to be easily understood.

I look forward to working within this parliament and with the many stakeholders as we look at drafting those regulations with the specifics about how this will be handled. What I specifically want to be able to see is someone who is looking at a retirement village going in there because they want that lifestyle choice. I want them to be able to measure very clearly, apples with apples, the different options that are available.

I have already addressed today the different business models. There are different ways in which you can go in. In fact, I think the member for Morphett mentioned rental being a very small proportion of this, but I think it is very important. I think there are about 25,000 South Australians who live in a retirement village. I think it is a viable option for people to live in as they age. It is not the only option. The vast majority of people age in their own home, or they might choose to downsize and live in a smaller area, but it is important that this industry is clear and people understand what they are going into.

I want to pay particular attention also to SARVRA (the South Australian Retirement Villages Residents Association). They have been very active in this area. They have not been completely satisfied with everything I have proposed in this bill, nor have they been dissatisfied, so we have tried to strike that balance. I also want to thank the Council on the Ageing for their interest and input here.

Can I thank all members of the house who have engaged in this process, particularly the forums that we held. I thought that the ability for the bill to sit out there on the YourSAy website, available to everyone, added that level of transparency for all South Australians to have a look at the bill and what we are going to do.

Dr McFETRIDGE (Morphett) (16:28): This piece of legislation has been a while coming. Having been on the select committee, I have been involved with this for a number of years now, and it is pleasing to be able to go through the legislation. I know the minister has taken a number of questions on notice here.

Without singling out public servants, can I just particularly thank Cathy Pedler for all her input both in the select committee and during the second reading and committee stage of the bill. Cathy has worked exceptionally hard. While she is not quite grey and ready to go into a retirement village, I think we have pushed her there a bit, so thank you, Cathy.

Minister, I should say there will be some discussion between the houses on where we are going to finish up with this, but I hope it does what we all on the select committee want it to do, and that is improve the future long-term solutions to these problems. Some of them are immediate

problems and others are going to be longer-term problems but, hopefully, this bill, which will be revised in five years, will provide a path forward.

Bill read a third time and passed.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Final Stages

Consideration in committee of the Legislative Council's message.

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

That the disagreement to the Legislative Council's amendments be insisted upon.

This particular legislation has quite a history. I think it was first introduced in 2011. I think it was then introduced again in 2013, then again in 2014 and then again in 2015, and we are dealing with the 2015 iteration of this bill. On every occasion—

The Hon. S.W. Key: Age will not weary us.

The Hon. J.R. RAU: Age will not weary us, nor the years condemn. The point I am trying to make is that every time the House of Assembly has passed this legislation, it has gone to the other place and, every time it has gone there, it has been neutered by the other place. Before I deal with some of the detail of the neutering of this legislation on this particular occasion, I just want to make an interesting point.

An honourable member interjecting:

The CHAIR: Order!

The Hon. J.R. RAU: I thought I might start with a look towards the future.

Ms Chapman: Is this on the interweb?

The Hon. J.R. RAU: No, beyond the interweb I want to quote from what I am told is an inspiring document and it is called, tantalisingly, '2036'. It was released by the Leader of the Opposition recently, and I would like to quote from this august tome. It states:

Substance abuse is a major factor in contributing to crime, family breakdowns, lost productivity and broken opportunities across our community.

It is very hard to argue with that. One can almost hear Max Bruch's violin concerto playing quietly in the background. It continues:

The prevalence of the drug Ice in metropolitan and regional communities has seen the emergence of extraordinary new challenges for families, police, and other agencies.

Who can argue with that? The document goes on:

We believe government—

by the people, for the people, of the people—

must be committed to delivering the concerted effort needed to tackle the problems of substance abuse. This may include evidence-based public health campaigns to reduce demand, more health and rehabilitation opportunities for addicts seeking to recover, and—

and here are the words that everyone should just carve into a basalt slab and stick in their bedroom, so they can look at it every morning when they wake up—

cracking down on the organised crime syndicates who sell drugs.

Apocryphal words from '2036'—cracking down on the organised crime syndicates who sell drugs. Of course, that is exactly what this bill does and it is exactly what the last three iterations of this bill have tried to do.

Of course, it is disappointing, because the opposition have not followed through on their pledge. Here is their first chance to say to the people of South Australia about *2036*, 'We see it there. It is not a mirage, it is a real thing. We are the real thing. We are going to support this like Russell Morris and so on.' They could be the real thing, but they are not. They are not Coke, they are not

even Pepsi. They are not the real thing. They are prepared to go out there with all this fine sounding waffle like, 'We are tough on drugs. We want to crack down on the source of drugs,' but then when it comes to it do they man up and have a go? No.

What they do is they find these pathetic excuses for arguing against it and they do not even have the courage—or at least the last three or four times—to actually vote it down. What they do is they attach unacceptable amendments to it so that the thing comes back in a scarcely recognisable form and it has been morphed. It is full of Semtex or one of those other things that they use in conflict zones. You know that if you allowed the thing to go forward in that form, you would be wasting your time and it would be a cruel hoax on the public. They neutered the legislation, they sent it back and said, 'We are supporting it,' just like with small venues when they said, 'Yes, we are supporting small venues, as long as you can't have more than 20 people in them.' That is a great economic model—a small venue with no more than 20, or was it 50?

If the opposition was serious about cracking down on people who supply drugs—there are two sides to the equation. There is the supply side and there is a demand side. We all agree on the demand side. We have to have education, we have to have health focused policy responses. We totally agree with all that. But what we do not agree with is the notion that all you do about the supply side is incant these words from '2036' and think that is enough. Well, it is not. You have to do something.

The way you do something about the supply side for drugs is you ask yourself: why do these people supply drugs? Does anyone know why people traffic drugs? Is it because it is fun? Is it because you get a lot of great respect in the community? What could it possibly be? Could it possibly be because you make an enormous amount of tax-free money that you do not have to account for? You do not even have to work. You just spread misery through the community, have a whole bunch of kids turned into crackheads. You have crime going on everywhere, but that is fine because you have a new boat, a new car, a new house. Terrific! Great!

So, what did we say? We said we are going to take all of the incentive out of this the game for these characters. Instead of them being able to do these things and, if we catch them, sure, they go to gaol, but when they come out, somebody in the Bentley picks them up and they go off to the golf club and they have a couple of rounds and just sit back and enjoy the pina coladas. No. We want them to be rubbed out, financially rubbed out.

In other words, if you want to keep doing that business, you are putting all your chips on the table, not just the chips we find in the box in your cupboard with the cocaine and the bit of rubber band around it; that is not the only stuff that is up for grabs. It is the whole lot. Everything. I reckon that is attacking the incentive right where it actually makes a difference which is why these characters are doing this in the first place.

Remember, these people are spivs who are not interested in having an honest job. They are interested in finding easy money by doing things that are illegal and exploiting other people; that is what they are on about. They are just spivs. I do not have any compunction at all about getting stuck into these spivs, but there are some who do. There are some who say it is not fair on the spivs. What if the spivs do not enjoy it? Well, bad luck. What if the spivs have kids? Hello, maybe the spiv who is dealing in drugs should say to themselves, 'Hey, I've got kids.'

Ms CHAPMAN: Point of order: if this is the short version—

The CHAIR: You are making the thing longer.

Ms CHAPMAN: No, I just raise the point of order at this point and place on the record that none of this is actually relevant to the direct bill, but I note that the—

The CHAIR: We will listen to everything you say as well, which may or may not be relevant.

Ms CHAPMAN: Thank you, and I expect the same licence.

Members interjecting:

The CHAIR: Order! Let's get on with it then.

The Hon. J.R. RAU: This is really the prologue, if you like. I just want to make it very clear to everybody who is paying attention to this that this is the fourth occasion we have tried to do something about this. It is the fourth time we have been neutered by a bunch of softies, a bunch of softies who care more about the sensibilities of spivs who sell drugs to kids than they do about ruining and bankrupting these people.

I can say that I have sought counsel around Australia. I have spoken to the Attorney-General of Western Australia, who is not a member of the Labor Party, and he has legislation like this, although his is a bit tougher.

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, and he tells me that it is fantastic and that it is the best thing that ever happened in Western Australia.

I do not know if any of you know Mr John Elferink, but he is a man of many capabilities: he is Attorney-General, he is Minister for Health, he is Minister for Correctional Services. He is a very inspiring man. He is an ex-policeman and he has done many things. Even though John and I are not on the same side of politics I have reached out to him and said, 'John, you've got this legislation. In fact, your legislation on this was taken to the High Court and you succeeded.' I have just remembered the first excuse they used, the first reason it was not going to work: the High Court would not like it. Well, bang, that one is gone.

John Elferink, the Attorney-General of the Northern Territory, tells me, 'This is the best thing that we've ever had. These crims just come up to us and offer chequebooks full of money just to get this thing off our backs.' I said to him one day, 'Mr Elferink,' or occasionally I call him John, 'would you mind speaking to the member for Bragg if she ever crosses your path?' He said to me, 'Look, I will share with the member for Bragg the great joys that this legislation has brought us here in the territory.' I believe he has—

Ms Chapman: Yes.

The Hon. J.R. RAU: But I believe that the member for Bragg may not have taken all of his wise counsel on board. That is the end of the prologue, and I now move into the particulars.

The CHAIR: So you are now moving back.

The Hon. J.R. RAU: Perhaps I will get to that at the end of the moving bit.

The CHAIR: No, the chair might have to be insistent that you move and then finish your remarks. You have about four minutes left and then the member for Bragg is going to answer you.

The Hon. J.R. RAU: First amendment, credit to the VOC fund, this is not money that would otherwise be going to the VOC fund. This money does not exist presently, so the notion that the VOC fund is missing out on it is a complete furphy. Why should we be so prescriptive about where this money goes? The justice fund needs to be flexible about where the money can go; it should be able to go where it is needed to make the greatest impact.

In relation to the justice reform, we should be looking at various rehab programs, but there might be other uses for the money. We totally reject the notion that some savant in another place is going to be able to tell us in advance where that money should be going. The second point—

The CHAIR: Before you go on, are you talking to each clause one at a time.

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

The CHAIR: But your actual motion is that the disagreement to amendments 1 to 4 be insisted upon.

The Hon. J.R. RAU: Indeed.

The CHAIR: I just want to make that clear.

The Hon. J.R. RAU: No. 2 is another intervention from the other place. I think the vernacular there is 'improvement'. The second one is appeals. This makes the bill unworkable essentially.

Ms CHAPMAN: Madam Chair, I do not want to arrest the Attorney in full flight but I have a set of minutes in front of me, which is one of Mr Darley, which is to delete clause 20. The next is to deal with the VOC, which is No. 2.

The CHAIR: Which is clause 21.

Ms CHAPMAN: I think the Attorney is about to go into full flight about appeals, so can we just be sure that we both have the same set of documents.

The Hon. J.R. RAU: I have four topics here. I am not sure which order the member for Bragg has.

The CHAIR: Do you have two pages, member for Bragg? The first page ends on No. 4, correct?

The Hon. J.R. RAU: Delete clause 20.

The CHAIR: I just want to make sure what you are looking at and that you and I are looking at the same thing, No. 4.

The Hon. J.R. RAU: Let me find out what clause 20 said. I am trying to find out what the original looked like.

Ms Chapman: Credit to funds, amendment of the heading. It had the heading 'Credits to funds'. It is an amendment to the heading.

The Hon. J.R. RAU: Anyway, I oppose that; whatever it is, I oppose it. This is the clause which says that a certain percentage has to go here, there and everywhere. It is just bad public policy and I disagree with that, so they are sort of all of a piece. We then get to the Hon. Mr McLachlan's introduction of a clause about—

The CHAIR: That is amendment No. 4.

The Hon. J.R. RAU: Yes. As I understand it, he decided he would jump in on the subject of appeals. Let's be clear on this: this legislation only has work to do when a person has already been convicted in a criminal court on the criminal burden of proof (that is, beyond reasonable doubt) of being a really serious drug trafficker. They are the only people this bill applies to, so let's get that clear.

So it is proven beyond reasonable doubt that this person is causing serious mayhem in the community, but here is what the softies in the other place want to do: they want to say that these characters should be able to appeal, and other people should be able to appeal, and the court should thereafter have the power to vary or discharge completely or partly anything that the court has ordered in the interest of justice, whatever that means.

This amendment would render this bill a joke; it would neuter it. This is the bit which is the unkindest cut of all—this bit. If there was a last bit you would want to happen, it would be this bit.

The Hon. S.C. Mullighan: Dog and Cat Management Act.

The Hon. J.R. RAU: Yes, it is like we are getting into the D and C Management Act. This is not what you want to happen. This amendment is just not acceptable. This is because they want to able to say, 'Oh, yes, we're tough on drug offenders,' but then they say, 'And we have just opened up this huge trapdoor where you can all run away again.' Sorry, you have to get up pretty early in the morning to beat the Minister for Transport and me on that one.

The third amendment is DPP guidelines. This is a beauty. As if the one before is not a big enough hole that all these crooks can jump into, this amendment says that the DPP has to go out and say, 'Excuse me, Mr Convicted Criminal, just in case you want to know how I am going to go about doing stuff, here is my own internal rule book and, because I am publishing it to you, you can go around judicially reviewing whether I have followed my own rules.' Well, isn't that smart?

Any lawyer worth two bob could keep the DPP tied up indefinitely in a court of appeal, an appeal on an appeal, on prerogative writs and God knows what over that sort of stuff. It is the legislative equivalent of sticking a grenade in the DPP's mouth and pulling out the pin. How that is

helping the public crack down on druggies, I do not know. Is there starting to be a familiarity about all this? It is like, 'Nothing to see here, folks. We haven't changed the ornaments in the window, we haven't changed the manikins. We have just taken all the stock out of the back of the shop, loaded it into a car and driven it away.' It is a disgrace, an absolute disgrace. Sorry, I took one of the deputy leader's words—I withdraw that.

Were it sufficient to resolve this matter today, I would be prepared to accept the last amendment, the notion that there be an annual report and a three-yearly review. Were that the only matter between here and the other place, I would be prepared to accept that. I acknowledge the esteemed gentleman who has just joined us.

The CHAIR: That is my job, not yours.

The Hon. J.R. RAU: I beg your pardon. He must be here to watch his protégé.

The CHAIR: It is bad luck you are nearly finished then, isn't it.

The Hon. J.R. RAU: Yes.

An honourable member interjecting:

The CHAIR: Yes, he is.

The Hon. J.R. RAU: That is roughly the size of it.

The CHAIR: The deputy leader is going to respond to all of that in her own inimitable fashion in her 15 allotted minutes.

Ms CHAPMAN: I am happy to do 15 minutes per amendment, if you like.

The CHAIR: Let's not up the ante on each other.

Ms CHAPMAN: For the purposes of this exercise, in case I need 18 minutes, I will refer to amendment No. 1 and proceed as follows. This amendment, together with amendments Nos 2 and 3, has been introduced by the Hon. Mr Darley in another place to secure the investment of any proceeds under this proposed legislation to follow what every other confiscated asset proceeds does—that is, go into a hypothecated fund largely for the benefit of victims. We already have two sets of confiscation laws in South Australia that operate, and I will refer to those in a minute, and how comprehensively ineffective they have been in recent years in actually successfully concluding any compensatory amounts. However, around Australia where that formula has been followed, it does recover some millions of dollars a year and follows the placement of those moneys into funds allocated for victims.

All this does—and the Hon. Mr Darley has spearheaded this throughout the time—is to say that, if there is further confiscated asset which is received from this new process, then it too should follow that course. It should not go into general revenue, it should not be available for the Treasurer or the Minister for Transport or probably the Minister for Health (he is in the biggest trouble probably) to prop up their budgets. It ought to follow our proven formula. He has said that, as a compromise, credit of the funds ought to be available either to the provision of services for drug addiction treatment in rehabilitation programs or to the Victims of Crime Fund generally.

That fund, which is a statutory fund, has over $207 million in it at the moment. After further negotiations, the compromise presented, which the Legislative Council accepted with our endorsement, is that the Attorney-General must ensure that in each financial year an amount equal to 50 per cent of the proceeds of the confiscated assets be paid to VOC, and this is what we are asking for.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: This is what we are asking for. It is to go on to make provision for application as 'additional government funding for drug rehabilitation funds, and such money may be applied without further appropriation from this subsection'. That is all they are asking for. We have just had all this rant from the Attorney-General about how unacceptable it is that this money be taken out of the control of the cabinet to spend on whatever stupid scheme they have in next year's and the

following year's budgets. I do not think it is unreasonable to quarantine 50 per cent of it back into what it is there for, and I do not think this house should accept that that is unreasonable.

If any one of them were genuine in their commitment to ensure that when we do confiscate assets it is for the provision of those who are victims, then they would support this. The Attorney-General would come in here and say, 'Well, I have thought about this three times and I think this is a sensible compromise and I'm going to accept it.' But, no, he has not. He has spat the dummy and said, 'I'm not going to accept it at all.' So it is totally inconsistent.

The CHAIR: Can I just clarify: is the member for Bragg correctly expressing your position on this?

Ms Chapman: Correctly? He has just rejected—

The CHAIR: Hang on, I am just asking. I just want to make sure you are not being misrepresented.

The Hon. J.R. RAU: No, okay. Just so my position is clear, there are two points. Point No. 1: we are totally opposed to the idea of decanting even more money into VOC because there is plenty of money in VOC and it is very hard for money in VOC to be spent, given the constraints set around VOC. So, I am totally opposed to that.

Ms Chapman interjecting:

The Hon. J.R. RAU: No, we are dealing with something here.

Parliamentary Procedure

VISITORS

The CHAIR: While we are pausing for a moment, we would like to acknowledge the presence in the gallery of our esteemed former colleague the former member for Bragg and say hello and welcome him today.

Bills

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Final Stages

Debate resumed.

The CHAIR: Before we go on I have been asked to restate the question before the chair, that is, that the disagreement to amendments Nos 1 to 4 of the Legislative Council be insisted on.

Ms CHAPMAN: I am referring to 1 to 3 because No. 4 actually goes into appeals.

The CHAIR: Yes, but the table is very correctly pointing out to me that I have to point out to you that it is one question, and I am allowing you to do what you are doing. So, you are talking 1 to 3 and then 4 separately?

Ms CHAPMAN: Yes. So, on 1 to 3, because these all relate to the appropriation of funds—

The CHAIR: And you are happy with them.

Ms CHAPMAN: We have had criminal compensation legislation for a long time, even when the former member for Bragg was in the parliament and dealt with criminal injury compensation payments, as it was then known. It has gone from $2,000 up to, I think, $10,000, and more recently we have increased it to $50,000. You will be pleased to know the Lagaseti case is just about ready to be signing the lease to his property—15 years later. It took a while.

In any event, that is our position. We think the upper house has presented a sensible resolution to this and the parliament has a choice, and I regret to note that the Attorney rejects that choice of an all or nothing. He wants all the money. He wants the cabinet to have control of this money. If he has some sensible ideas about the expansion of application of funds in the Victims of Crime Fund then let him bring that back, open that bill and we will have that discussion. In the meantime, we are with the Hon. Mr Darley to at least quarantine, effectively, 50 per cent of those

funds for drug rehabilitation (No. 2 bullet point in the '2036' document which has been referred to by the Attorney).

I now come to No. 4. This, essentially, makes provision for a number of things, but the first is that there be an appeal process. The second is that there be an annual report, and thirdly, that there be a review of the act within three years. On the first point, can I make the point that the appeal process is not foreign to other jurisdictions. The Attorney has outlined how he sees this as a sabotage effect on the application of the DPP's integrity and the application of his decision-making, and that we do not need it.

The Attorney has referred to Mr John Elferink, who is the Attorney-General in the Northern Territory—soon to retire, sadly, but nevertheless who clearly has extraordinary experience in this field. The Northern Territory is a jurisdiction that did not have the same basis of legislation that we already had in two sets of legislation, under our criminal assets confiscation legislation and our serious and organised crime legislation. They did not have that structure, but when they went to a formula similar to what we had (where, effectively, their DPP makes that administrative decision), their legislation had an appeal process in it. Their legislation has netted them—after they went through the High Court and sorted it all out to make that clear—in the last financial year about $5 million. So, for the last four times that the Attorney-General has been fighting off this sensible addition to legislation, he has missed out on probably millions of dollars a year.

There is a model in the Northern Territory which operates with an appeal process, which I am disappointed the Attorney has not picked up. It has not sabotaged their capacity to ensure that they have a process that is effective in harvesting the money and assets of people who have been convicted of serious drug offences. He should read that legislation. He should have a talk to Mr Elferink again before he retires, and he should get with the program and understand that all we are doing is introducing a process to ensure that an administrative act (which is what a decision of the DPP is) is reviewable.

We have even been so careful as to ensure, with the endorsement of the upper house, that it comes with a qualification. There has to be a threshold of circumstances which are identified in the appeal as being in the interests of justice to do so. Some would say that is fairly open-ended and broad, but it still provides a threshold over which it has to be established before that review process can be initiated. So, I endorse this.

The opposition are very keen to maintain this. We expect that if the government were serious about pursuing these convicted criminals of serious offences and depriving them of all their assets, they ought to understand it has not impeded other jurisdictions from recovering. They are doing it at a rate of about $5 million a year just up in the Northern Territory, which has a population of a drop in the ocean compared with ours.

As to the annual report, the Attorney says on this issue and on a review, 'If I got my way on the other things, I would consider doing these.' How arrogant is that? Why does the Attorney not say that it is not unreasonable that we review these? In fact, we review our current confiscation legislation on a regular basis. Let me advise the parliament what the current review, tabled in this house in October last year, says about our current legislation.

The report was tabled by the Attorney on 27 October 2015. The review was conducted by a retired judge of the District Court, the Hon. David Smith, and he followed reports in 2011 and 2013 prepared by Mr Alan Moss, retired chief magistrate. The last two financial years reviewed were for the period to June 2013-14 and 2014-15. He did two years at once. We have these reviews, and we have them for good reason. This one was very helpful, and I encourage members to read it. It was a review of the execution of powers under the Serious and Organised Crime (Unexplained Wealth) Act 2009 exercised during the period 1 July 2013 to 30 June 2015.

Like most reviewers, David Smith identified his terms of reference and the basis upon which he would conduct the review. He set out the parameters of what currently operates under our two legislative provisions for confiscation of assets but, most particularly, for serious and organised crime. That is what is pertinent to this debate because we are moving from a model under the Serious and Organised Crime (Unexplained Wealth) Act, which we currently have and which has been operating for the last 3½ years.

This is how it operates: when the DPP reasonably suspects that a person has unlawfully acquired wealth, he or she may apply to the Crown Solicitor to make an application to the District Court for an order. If the order is then made (and I am paraphrasing this) the Commissioner of Police, under the Enforcement of Judgements Act, has certain powers, quite considerable investigative powers, and it is the application of the commissioner's investigative powers which fall into three categories:

- those who have been convicted of a serious offence or declared liable to supervision, which is a Criminal Law Consolidation Act provision, and relates to people who have been convicted of serious offences;
- persons who have been the subject of a control order under the Serious and Organised Crime (Control) Act, which is of course all our bikies, which we have dealt; and
- persons with whom the DPP has authorised the exercise of powers, and there are four statutory preconditions for that.

The application by the Crown Solicitor can only be made upon the authorisation of the DPP, and there is a process that follows from that. It states:

> The Crown Solicitor is obliged to prove only that the person, the subject of the application, owns or is in control of the wealth specified in the application…There is no requirement in the said Act that it be proved that the wealth is derived from unlawful activity…

That really relates back to the original legislation, and that has its own powers and limitations. The court under the serious and organised crime legislation, which currently applies, follows that:

> Once the ownership of the wealth is proved, it is presumed that the wealth has not been lawfully acquired, unless the person who is the subject of the application proves otherwise…The court has a discretion to decline to make an unexplained wealth order if it determines that it would be manifestly unjust to do so…The burden of proof is the balance of probabilities.

Obviously, it is a process which goes through the court, which has certain protections in it to ensure that you do not inadvertently catch innocent people's assets. It also ensures that we also still bring serious and organised crime convicted people, or people who are subject of control orders, which is in this category of the drug offenders, to deprive them of their wealth and assets. It is a very important piece of legislation.

His Honour David Smith goes on to tell us what has happened in the last two years. Essentially, he outlines what happened in the first 12 months. He confirms that no applications were made. A number of warrants were issued, and there were 76 applications, 73 of which were executed. I think two lapsed and one person died, so in essence three were unexecuted. A number of warrants were issued.

There were five targets identified for the obtaining of information. I think we can assume in that that there were five persons of interest of parties whom the authorities obviously felt ought to be pursued under our current legislation. Ultimately, the report tells us that, of the five persons, four were had been convicted of a serious offence and one was a person against whom the DPP authorised the exercise of statutory powers.

Interestingly, when we come to the 14th and 15th period (2014-15), again there were no applications for unexplained wealth orders made to the District Court in the reporting period; however, 167 applications for warrants were issued and 134 were executed. There is a reference again to some that were not dealt with. Of five targets, possibly the same from the preceding year, according to this report, the authorities (the Crown Solicitor together with SAPOL) made a determination that they would pursue only one.

They may not have finished the investigation of that person, or they may have found that there was inadequate evidence to proceed; that is, he did not have any assets worth confiscating or they were barking up the wrong tree. In any event, in two years there have been no applications under our existing law which only requires that there be someone who is already convicted or under control order and that they have assets—no applications.

His Honour David Smith then goes on to provide an explanation for why, in his view, there has not been any movement in this area. Why has that been the case? Why has the government through its instrumental offices—in this case, the DPP, the Crown Solicitor and the police—not been doing their job? On the face of it, the police have: they have been applying for the warrants, executing them (not just letting them sit in a folder) and obviously undertaking investigations. He is satisfied, on his independent review, that that has happened.

He outlines in this report five reasons why he says there has not been any action in this space, and one of them, which I think is quite concerning is that he identifies that there is, I suppose, a limitation that, where there has been an accumulation of information other than for unexplained wealth pursuit, that information cannot be used in the confiscation of proceeds of crime legislation in certain circumstances. He says:

> I query why the lawmakers did not do the same here in South Australia—

Where is the Attorney-General on this? He goes on to say—

> and in so doing, draw upon the tested armoury of investigative powers in the said Confiscation Act and also draw upon the experiences of other jurisdictions. I note in this respect that there has been confiscation of proceeds of crime legislation in this State since 1985. In the result, the Confiscation Section of SAPOL and the Crown Solicitor have proceeded warily. I note that, although day to day operational matters have been left to the judgement of the officers of the Confiscation Section, the Section has repeatedly sought the Crown Solicitor's legal advice on what it has characterised as 'process'. Overtime there have been in excess of 50 formal legal opinions provided to SAPOL by the Crown Solicitor's Office.

I think that is a damning report on what the Attorney-General has failed to do in leading the successful application and progression of matters by ensuring that we have a legislative framework in our current legislation that is effective and does not act to sabotage that position.

The CHAIR: Can the member just indicate how much longer she would need to speak for? We have already allowed you 20 minutes on the one question, which is all I am allowed to allow you because that is as long as we gave the Attorney, so can you just give an indication of how much longer you want to speak for?

Ms CHAPMAN: I have four others.

The CHAIR: We have given you 20 minutes. Can you give me a rough idea?

Ms CHAPMAN: I may need another 10 or 15 minutes.

The CHAIR: We cannot do that on one question which is before us.

Ms CHAPMAN: I have done Nos 1 to 3. I did not realise that I had 15 minutes on No. 4.

The CHAIR: No, we told you at the beginning it would be 15 minutes. You said, 'Maybe 18,' and that is why I extended it to 20.

Ms CHAPMAN: Yes, I know, but the Attorney has chosen to do all his submissions on No. 1. I indicated that I would be doing it in two parcels.

The CHAIR: It was still a minute value. We do not want to argue with you. If we can wrap it up in five minutes, that would be great.

Ms CHAPMAN: I will endeavour to do that. Secondly, he notes that the unsuccessful case of Totani in 2010 had a dampening effect, and I think that is a reasonable assumption. I think it had a drowning effect, actually, at the time. It sent the bikies out to a party to celebrate how incompetent the state government had been in prosecuting this legislation when it knew full well that there were major problems with it.

It cost taxpayers a fortune, going up to the High Court and back again, so I do not disagree with that at all, and I do not think there is anything that this Attorney could retrospectively do to remedy what a previous attorney had done in pursuing that course of action; however, it is noted. He then says:

> *Third*. In the wake of *Totani*, and, in the course of the review period 1st July, 2012 to 30th June, 2013, the Serious and Organised Crime Section of the Crown Solicitor's Office, which was responsible for enforcing the Act, was

disbanded. It was suggested by the previous reporter, Mr Alan Moss, that the standards set by the Section were unrealistically high…

Interesting. There was no action. They just got dumped. Fourthly, the review reports:

Investigating whether a person has unexplained wealth is a time consuming exercise in forensic accounting. That has been particularly so for the investigations conducted under this Act. For example, a warrant for the seizure of bank records often cannot be executed in a 'walk in walk out' basis. Rather the investigators have waited often 'for months' while the bank searches and responds to the warrant.

He goes on to detail quite at length how that works and how the current legislation restricts us from getting the contemporary information about who has the account, who is a signatory on it, etc., rather than having some historical capacity to be able to get it, which results in that process. The fifth thing he says is:

As explained, until August 2013, when the Section 43A amendment became operative, the Confiscation Section was unable to utilise, for the purposes of an unexplained wealth inquiry under this Act, intelligence which SAPOL had obtained for other purposes, under other State Acts or laws. Further, the Section has been unable to obtain, let alone use, in its unexplained wealth investigation, information or evidence held by a number of Commonwealth agencies by the exercise of powers under Commonwealth law. That considerable problem will persist [until] there are amendments to a number of Commonwealth enactments. I will explain this problem immediately here under.

And he does; he sets out the detail of that. But, in short, there are a number of impediments to agencies such as Centrelink being able to provide information to our state enforcement agencies. It all relates to privacy and restrictions at the national level.

Where has the Attorney been on this? Has he been asleep at the wheel? This has been going on for years. He has done nothing about it. This report has been in the parliament since October last year. I have read the LCCSC—the legal get-togethers that used to be the old attorneys-general committee. Now, they have police and all sorts of other enforcement groups with them, more's the pity. I think they should have a separate system, and I will keep saying that.

COAG after COAG, this issue has not been resolved. Why has not it been resolved? Why are we not making our current confiscation law effective? Why are we not making sure that these recommendations are read and listened to? Then, at least, seven months later, we would have something from the Attorney-General to say, 'Look, I've sorted that issue out. Here's the bill that we need as extra to complement the South Australian obligation. I've got a report from the federal Attorney that these matters will be raised at the national level.' But, no, they go off to these cities; last time I think it was in Queenstown, New Zealand.

They find places and talk about all sorts of things, but the really important issues like serious crime, like counterterrorism, get a little paragraph if you are lucky. This is the problem with our confiscation laws. This is why South Australia does not get millions of dollars, even under our current legislation, into the coffers of the government, preferably into the funds for victims of crime. We are missing out on millions of dollars because of the incompetence of this government in not progressing and ensuring the statutory reform to enable us to confiscate assets of criminals.

The Attorney has had plenty of time to come in here and introduce serious and organised crime legislation, to dismantle addresses, to put people on lists, which we worked through with the government and sorted out. But when we get a report like this, where is he? He does not want to do it. I do not understand it. The government is on its knees financially. Why has it not ensured that this money is not available to those who have no right, as the Attorney does say, to continue to have access to their own assets?

All we are doing is saying, 'We agree with you. These are bad people. They've got assets that ought to be able to be used as a deterrent, but we want there to be a review process. We want the DPP to set out a set of guidelines.' He has to do that on a number of other things. This is not unique; it is not some new imposition. He has to do it on plenty of other administrative decisions he makes which are subject to review.

That is all we are asking for. We do not want to have a situation, as occurred in Western Australia, where a couple had their house confiscated as a result of its being occupied by someone who was convicted under serious and organised crime drug offences—growing, I think, or production. I cannot recall whether it was trafficking as well, but clearly serious offences.

The CHAIR: In that case—

Ms CHAPMAN: We want that remedied and the government has had this for years. The amendments here are sensible and we just ask the government and, particularly, the Attorney-General, to pull his head in—

The CHAIR: Order!

Ms CHAPMAN: —and get on with it.

The CHAIR: I do not think we need much more said.

The Hon. J.R. RAU: But I cannot let that go without saying—

The CHAIR: Which bit?

The Hon. J.R. RAU: The last bit of that.

The CHAIR: Order!

The Hon. J.R. RAU: The last bit of that—it is the deputy leader doing the Chewbacca defence again. She has attacked me for not pursuing things that I had been pursuing for half a decade.

The CHAIR: And you clearly disagree with that, okay.

The Hon. J.R. RAU: She should phone a friend and ring her friend Senator George.

Ms Chapman interjecting:

The CHAIR: Order!

The committee divided on the motion:

Ayes 21
Noes 17
Majority 4

AYES

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

NOES

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

PAIRS

Brock, G.G.	Redmond, I.M.	Picton, C.J.
McFetridge, D.	Weatherill, J.W.	Tarzia, V.A.

Motion thus carried.

The Hon. J.R. RAU: On advice, I move:

That the bill be laid aside.

I seek leave to conclude my remarks.

Leave granted; debate adjourned.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS NO 2) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 April 2016.)

Mr PISONI (Unley) (17:28): I am the lead speaker for the opposition on this matter. I am pleased to say that we will be supporting this bill that is obviously of great importance to both regional and urban areas of South Australia and, of course, the entire nation because this brings national rail safety laws into play, and South Australia is the lead jurisdiction in order for that to happen. These changes were discussed with state and federal transport ministers and it is here before the South Australian parliament.

It is important that we get it right. I hope we have got it right. Certainly, the briefing I have had has made me very comfortable in supporting the bill. Rail transport is a crucial part of our South Australian economy, whether delivering commuters to their place of work safely and on time or in our regions delivering goods and produce to markets around the world. Office workers, families, miners, farmers, they all rely on a safe and efficient rail network and service provision.

This bill, of course, gives us a uniform set of rules and a uniform set of safety guidelines, so that it does not matter where you are, which state you are in, the same rules will apply. This will happen in other states automatically, except for Western Australia, which will also have to pass the legislation through their own parliament. A national approach with respect to standards, accreditation, penalties and education makes perfect sense, and that is why we are very pleased to support this bill.

Of course, I cannot talk about rail without some commentary on what has become of the government's plans to electrify the metropolitan rail service in South Australia. The importance of reliable and safe rail was of course highlighted recently with the failure of the Seaford line, which caused peak hour chaos and untold economic damage to thousands of commuters, as thousands of commuters were delayed for hours and were forced to find alternative transport for two days towards the end of April.

Commuters relying on services on other lines, such as the Grange line, were also affected as diesel trains were redirected to the Seaford route to rescue the electric service. These diesel trains were used in conjunction with the bus transfers from Brighton station. We have since learnt that the fault was caused by a circuit-breaker failure in the Lonsdale substation. The minister has promised that full details will be released in due course, and of course we will hold him to that commitment. I think it is in the interest of all South Australians to have an understanding of what went wrong, and hopefully we will get some reassurances that that situation will not happen again.

Of course, the $290 million Seaford extension has been plagued by other failures since its opening, such as when high-voltage cables snapped near Christies Beach in July last year, putting passengers and bystanders at risk of serious injury. This was the second time that the high-voltage line snapped and it was only after that second occurrence that there was a decision made to replace the entire high-voltage line. We were told there was a fault in the line, and let's hope that that has now been corrected and that we won't see a repeat of that issue.

There is no guarantee that we are safe from the risk of more disruptions on the Seaford line. A little bit later I will talk about a chronology with the Gawler line, the Outer Harbor line and the announcement of the electrification of the metropolitan rail line in Adelaide. You will recall that it was in May of 2012 that the then treasurer, the member for Playford, announced in his first and only budget that the electrification of the Gawler line would be suspended.

I suspect that was the motivation for the department to commission a report by Catlow and Hoare, a brief independent review of the Adelaide electrification project, dated June 2012. I understand the minister is aware of this report because he has confirmed the existence of the report on radio. What is concerning about that report is that, if the original time line for the northern line was completed, we would have seen a second feeder station, and then a third feeder station for the Outer Harbor line.

A significant risk is referred to by the authors of the report, and that is that relying on a single feeder into the system meant that, if there was any problem with that system, there was no shared power that would enable the system to continue. Instead of running 16 trains at a time on the Seaford line all the way to Seaford, a second feeder station might have meant fewer trains running on the line or, alternatively, trains could have run to Brighton Station, or slightly further south, and then be relieved by buses. There would have been a lot less disruption if there were a second feeder station, and that report goes into quite some detail as to why the risk is there.

We heard just recently about the unique nature of the only surviving switch, that it is a very unique switch and that there are no spares anywhere in the world, which of course has put those travelling on the Seaford line again at risk of being in the same situation they were in back in late April. There is another risk that could see the Seaford line with a single feeder station and a single transformer out for up to nine months. This report goes on to say:

> The biggest risk is the lack of a spare SVC transformer which (in the worst case)—

And we know that things can always end up better than the worst case, but we do need to prepare for the worst case. That is what insurance is about; that is what case management is about—

> would require construction of a new transformer with an estimated 9 month average lead time to procure and install.

So, if we did see a break in the transformer in a feeder station, according to this report we could see the Seaford line out for nine months. We would have a situation where again we would see a reduction in train services on the Grange line and we would see people reverting to buses at the Brighton Station, which is what we saw on the Thursday and Friday at the end of April.

Unfortunately, here in South Australia, despite all the promises, the electrification process has been fraught with stop-starts, promises, broken promises and a lack of delivery of those promises. I think it was 2005 when it was first floated that there would be an electrification of the Gawler line. In 2008 there was an upgrade. The electrification of the Gawler line was reported as possibly being brought forward by two years. This was back in 2008. That was an announcement by the government then, that the government was preparing a wish list for federal infrastructure funding.

By 2009 it was reported that a key aspect of the nation building infrastructure plan for South Australia included a $294 million modernisation of the Gawler line. In May 2009, the commonwealth government allocated $293.5 million to accelerate the upgrade of the Gawler line, including track works, electrification and station upgrades. In June of that year, it was reported that the completion date for the electrification of the Gawler line had been brought forward by two years, with an additional $190.3 million to be spent over three years. In 2011, stage 2 of the major track works of the Gawler line was to start (on 18 September) with the line to reopen on 12 April. Re-sleepering works were undertaken.

Transport chief, Rod Hook, at the time asked the Public Works Committee to approve an extra $12 million for the Gawler line upgrade to pay for a turnback facility missing from the original plans. Then in June 2012, after a pre-budget announcement, the electrification on the Gawler line had been deferred. The member for Playford announced:

> Transport infrastructure projects have come under the Budget axe…Treasurer Jack Snelling yesterday put the handbrake on key parts of the State Government's big build program, while maintaining spending on projects…the Southern Expressway duplication…The Gawler rail line electrification has also been canned. The Treasurer yesterday said they remained Government priorities and he intended to restore the $318 million electrification funding when revenue returned.

But remember, it was federal funding that kicked it off. That was reported in *The Advertiser* on 1 June 2012. Then we saw the official opening of the restored Gawler Railway Station in August of that year. Commonwealth funding for a rail electrification project was reported as being negotiated

to be kept by the state government, and that was a report in the *Australian* in that year. If we look at the analysis of that particular series of events by the Auditor-General in his June 2014 report, the Auditor-General says:

> The Gawler commuter rail line joins the regional city of Gawler to the Adelaide CBD. In May 2009 the Commonwealth Government committed funding of $293.5 million to upgrade rail track and certain stations, and the electrification of the Gawler line.
>
> In June 2012 the Commonwealth (Labor) government advised the Department to cease expenditure of Commonwealth funds on the project following the SA Government's decision in May 2012 to suspend the project. Further, in October 2012 the Commonwealth (Labor) Government, requested that unspent funds ($41 million) be returned to the Commonwealth Government. The Commonwealth Government advised the Department that $10 million of the unspent funds may be used for the Seaford rail extension and the remaining $31 million plus interest was required to be repaid in accordance with the National Partnership Agreement.

So, because the state government (the Weatherill government) decided that it was going to defer, instead of what we heard four years earlier, that there was going to be an acceleration of the project and it would be finished two years sooner, four years down the track we got an announcement that all work would stop because there was a budget crisis at that time in South Australia, and the unspent money was actually returned at the request of the Labor government in Canberra. It continues:

> The Department returned the unspent funds, including interest, to the Commonwealth (Labor) Government in April 2013. In June 2014 the State Government announced a restart of the project from Adelaide to Salisbury with the project planned to recommence in 2017-18. In 2013-14 the Department assessed expenditure incurred to date on the project, which totalled $50 million.
>
> The review identified a write-down of expenditure totalling $46.6 million.

A write-down is a write-off; in other words, money that has been spent and wasted. It continues:

> The Department assessed that costs totalling $28.6 million incurred for the project between Salisbury and Gawler were deemed to be obsolete (wasted) or are not likely to provide any future economic benefit. Further, the Department determined that given that the project is planned to recommence in 2017-18, a considerable portion of the design, scoping, project supervision, tendering and mobilisation costs for the Adelaide to Salisbury section of the line totalling $18 million were deemed to be obsolete and are likely to be in the most part reincurred when the project recommences.

In other words, money that has been spent will be respent again because the money that was spent and what it was spent on are no longer of use because of the stop-start nature of this project. If the government had stuck to its original plan, if it had been able to manage this project from start to finish, as it said it was going to do back in 2005 and then again in 2008 when it said it was going to accelerate the Gawler line, it would have been finished before there was a decision to cease the work in the June 2012 budget. That gives you an idea of the disappointment that people living in the northern suburbs would be feeling at the moment.

Really, it is a comedy of errors when you consider the fanfare with which the electrification was announced, and what was actually delivered. We are still waiting for that delivery. We are not going to see a completion of that line before the next election. The government has said that there is some hope of starting work to take the line to Salisbury in the 2017-18 year, but I am not sure that we have seen the money for that work in the forward estimates yet, but we will see what the budget shows us next month.

That takes me to electrification of the Outer Harbor line. I was on the Public Works Committee at this time, and I remember it quite specifically because there was a lot of excitement about the prospect of this line being electrified and the options being considered. There was some talk about tram/trains, and there was talk about the extensions, and so forth, coming off the Outer Harbor line.

I refer to some excerpts from South Australian government media releases. The first excerpt relates to the June 2008 budget and states:

> The main State Budget measures to be delivered over the next four years are:
>
> - $209 million to commence the electrification of the Noarlunga line;
> - $83 million to commence the electrification of the Outer Harbor line;
> - $162 million for a tram line extension to the Entertainment Centre and subsequent connection to the Outer Harbor line and the purchase of light rail vehicles—

I remember there was a lot of fanfare about that at the time—

- $116 million for concrete re-sleepering of the Gawler line;
- $64.4 million to acquire 80 additional buses over the next four years;
- $29 million to begin the purchase of a new ticketing system; and
- $14 million for short-term tram capacity options.

In September 2009, we had another media release from Patrick Conlon which stated:

> The next stage of the Rann Government's $2 billion investment in metropolitan public transport infrastructure is set to get underway with almost $35 million worth of works at Port Adelaide.
>
> Transport Minister Patrick Conlon says it is the first step in the future electrification of the Outer Harbor railway line and follows the successful upgrade of the Belair line.
>
> This program of works will deliver a fast, electrified rail service linking Outer Harbor and the CBD and a tram service that will go through the central Port Adelaide commercial district and also to Semaphore.

I remind the house that it was September 2009 when the government made that announcement. Of course, to date there is still no movement on the Outer Harbor line. In May 2010, the then transport minister said, in relation to the Outer Harbor line, that 'successful companies were now being invited to tender for the electrification of the major works package'. He continued:

> The $400 million electrification of the Adelaide rail network will provide a platform for more modern and efficient train services for commuters while reducing noise and local air pollution.

Of course, we are still waiting for that. The release then states, 'The program will also create around 2,000 jobs for South Australians.' We could certainly do with those. It then states, 'The scale of these works is unprecedented in metropolitan Adelaide,' and still is, because of course we still have not seen it, and continues:

> …we're rolling this out along a network for over 100 kilometres of track across the metropolitan area from Gawler in the North, to Seaford down south and all the way to Outer Harbor.

That was more than six years ago. In February 2011, another media release announced the electrification of Adelaide's rail network. It stated:

> The electrification of Adelaide's rail network will begin in earnest next year with the awarding of the contract for a major component of the more than $400 million electrification program to deliver hundreds of jobs to South Australians.
>
> Mr Albanese and Mr Conlon said the first electrified services will run on the new Seaford rail line…and subsequently on the Noarlunga and Gawler lines later that same year, with electrification of the Outer Harbor line to be completed in 2015.

That was in 2015, last year, and I think we have not seen any money for the Outer Harbor line. As you can see, the government's record on providing electrification of train tracks, of the metropolitan rail service in South Australia, is a litany of stop-starts and excuses. Despite the fact that this government made a decision to stop work on the Gawler line in May 2012, and removed money from the budget that same year, the then Gillard government insisted on the money being returned. Conveniently, it was Mr Abbott's fault that we still do not have the northern line electrified. There is no mention of course—

An honourable member: Blame somebody else.

Mr PISONI: Blame somebody else, that's right. There is no mention of what is happening on the Outer Harbor line. We do not know what the government has planned or what the time line is. We do not know where the money has gone, the $2 billion for this project that was mentioned back in 2008. If I can take you back to some of the issues we have experienced as commuters and residents of this fine city, in the one line that is electrified—that is, the Seaford line with brand-new junction boxes—we find that the imported sheeting used contains asbestos.

Unfortunately, from what I could work out from the minister's answer when I asked questions about the report into the use of asbestos, it appears to still be there. Something that was illegally put in place is still there. There are still questions about the disposal of the offcuts and exposure to asbestos by construction workers. I have received documents from the department confirming that

during the works on the Seaford line three workmen were exposed to asbestos; that concerns me greatly, but no-one seems to have any sense of urgency in dealing with the asbestos in these buildings.

Let's put this in perspective. Asbestos has been banned in Australia for nearly 20 years, and the bans in building materials started 20 years earlier than that. There were very strict guidelines for removing and disposing of asbestos. We can only assume, from learning about new asbestos board being used in new work on the Seaford line, that none of those processes was put in place, that none of those very strict regulations was put in place on how to deal with asbestos.

I think it was 25 January when the parliament received confirmation that asbestos was in those buildings, so one has to question why that asbestos is still there. If I were a customer and a builder put something outside of a specification in my building, it would not cost me anything to have that replaced. I would insist that it come out and be replaced immediately.

It is bamboozling to try to understand why that instruction has not been given to the contractor to remove that asbestos at their own cost unless, of course, it was not the contractor's fault, unless it was a specification from within the department or some other issue that has meant that no decision has been made on what to do with that asbestos. I think anybody who has been a victim of the asbestos-borne diseases would be very concerned to learn that there has been no sense of urgency in dealing with this.

I know the argument is, 'If you do not disturb it, it will be fine,' but that is providing it is not disturbed. What happens if there is an accident, an explosion or something else that happens in one of those boxes and the floor is disturbed and that asbestos is then exposed? But that is not the point. The point is that it is actually illegal to use it as a building product.

I do not know of any situation where, when something is done illegally or someone is acting illegally, they can continue to do so when it is known to be illegal. For example, it is illegal to grow marijuana, so I would not imagine that, once police establish that someone is growing marijuana, they would leave it there. My guess is they would immediately remove it and people would be charged and prosecuted. It is difficult to understand—

Mr Duluk: It depends on how many plants.

Mr PISONI: I am not quite sure of the details. I seek leave to continue my remarks.

Leave granted; debate adjourned.

STATUTES AMENDMENT (COMMONWEALTH REGISTERED ENTITIES) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 17:58 the house adjourned until Thursday 26 May 2016 at 10:30.

Answers to Questions

O-BAHN

158 Mr MARSHALL (Dunstan—Leader of the Opposition) (23 September 2015). What effect will a shorter right-hand turn lane from Dequetteville Terrace onto North Terrace have on traffic movements as a result of the O-Bahn City Access project?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been provided with the following advice:

Following further consultation with the City of Norwood Payneham & St Peters, an additional U-turn facility will be provided on Hackney Road between the tunnel portal and North Terrace to minimise travel-time impacts to Hackney residents from Westbury Street, Botanic Street and Athelney Avenue, wishing to head north.

This will provide a sheltered U-turn facility with the storage capacity to accommodate at least three vehicles. Traffic modelling confirms both the proposed U-turn facility and the adjacent right turn lanes into Botanic Road can operate appropriately.

The installation of a U-turn facility at this location allows the proposed U-turn south of the traffic signals on Dequetteville Terrace to be removed.

The removal of the U-turn facility on Dequetteville Terrace means the length of the right turn lane from Dequetteville Terrace onto North Terrace will not be shortened, as a result of the O-Bahn City Access Project.

O-BAHN

159 Mr MARSHALL (Dunstan—Leader of the Opposition) (23 September 2015). Can the minister please advise whether placing a 'Keep Clear' zone opposite Osborne Street on North Terrace to allow local residents to make a safe right-hand turn onto North Terrace has been considered in relation to this statement in the O-Bahn City Access Project Impact Report:

The project team will continue to explore all opportunities to improve the operation of Osborne Street and North Terrace junction as it is acknowledged that banning of the right turns to/from Westbury Street/Hackney Road junction may attract additional movements for vehicles attempting to head north.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been provided with the following advice:

Night works to install 'Keep Clear' pavement markings on the city-bound lanes of North Terrace opposite Osborne Street, Kent Town, were undertaken on 22 March 2016.

O-BAHN

163 Mr MARSHALL (Dunstan—Leader of the Opposition) (23 September 2015). What impact will the O-Bahn City Access project have on the Botanic Gardens and Botanic Park?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been provided with the following advice:

The Department of Planning, Transport and Infrastructure (DPTI) continues to work closely with the Botanic Gardens, as part of the O-Bahn City Access Project.

The Botanic Gardens' preferred option is to provide a tree-lined shared pedestrian—bike path along Botanic Park (including a new shared-use path bridge crossing of the River Torrens) improving the landscape character for users of Botanic Park and to make the eastern entry of the Adelaide Botanic Gardens safer for pedestrians. The layout (including car parking, landscaping and access arrangements) is being developed during the detailed design phase, in consultation with the Botanic Gardens.

O-BAHN

164 Mr MARSHALL (Dunstan—Leader of the Opposition) (23 September 2015). Will any measures be put in place to stop 'rat-running' through the suburb of Hackney during the construction phases of the O-Bahn City Access Project?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been provided with the following advice:

Right turns into and out of Hackney Road will be restricted throughout construction, with the exception of right turns from Hackney Road (southbound) into Plane Tree Drive and right turn from Hackney Road (northbound) into Richmond Street.

Right turns from Richmond Street into Hackney Road and right turns from Hackney Road (northbound) into Wyandra Lane, will be maintained until the project requires they be restricted.

Following a resolution from the City of Norwood, Payneham & St Peters, the Department of Planning, Transport and Infrastructure was directed by council to erect solid barriers preventing left turn movements from

Hackney Road into Athelney Avenue, Botanic Street and Westbury Street. The barriers were installed on 22 March 2016.