

## HOUSE OF ASSEMBLY

### Wednesday, 28 September 2016

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

**The SPEAKER:** Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

#### *Parliamentary Committees*

#### **ECONOMIC AND FINANCE COMMITTEE: ANNUAL REPORT 2015-16**

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

That the 92<sup>nd</sup> report of the committee, entitled Annual Report 2015-16, be noted.

The 2015-16 year saw a number of membership changes to the Economic and Finance Committee, with three new members appointed to the committee in February 2016. Throughout the reporting period, the committee met on 17 occasions, tabled three reports, and heard from 79 witnesses. Highlights for the year included completing both the National Broadband Network inquiry and of course the ever-popular local government rate capping inquiry. However, the latter inquiry's final report was tabled just outside of the reporting period.

The committee also continued its inquiry into the labour hire industry, and I am happy to say that we are in the process of wrapping that up now and that we should have something to present to the house rather soon. This inquiry took the committee to the Riverland over two days in March 2016 to receive evidence and to conduct site visits in the area. Statutory functions also kept the committee busy, including the annual emergency services levy reporting obligations and associated public hearings, the sport and recreation fund allocations, and receiving evidence from the Auditor-General in relation to his annual report.

The committee handed over the chair and secretariat duties of the Australasian Council of Public Accounts Committees to the Northern Territory Public Accounts Committee after we hosted the council's biennial conference in Adelaide in 2015. I and the executive officer attended the council's mid-term conference in Alice Springs in April of this year, which gave us another opportunity to discuss common issues amongst the public accounts committees throughout the member jurisdictions.

I would of course like to acknowledge my fellow members of the current committee: the member for Wright, the member for Colton, the member for Light, the member for Schubert, the member for Bright and the member for Hartley. I want to also recognise the contributions made by the member for Kaurna, the member for Stuart and the member for Unley, who all resigned from the committee for various reasons during the reporting period. The committee was ably supported by the executive officers, Mrs Lisa Baxter and Ms Kendall Crowe, and by the research officer, Dr Gordon Else. His contract runs out at the end of this week and I wish him well on behalf of the committee. I recommend the Economic and Finance Committee's annual report 2015-16 to the house.

**Mr KNOLL (Schubert) (11:04):** I will be extremely brief. This is the first annual report that I have been able to speak to as a member of this committee, a committee that I have long harboured a desire to be on. Now that I am on it, it is all that it cracks up to be. Highlights of the year certainly include the ESL hearing, and also the Auditor-General hearings when they come in, and a real chance for us to delve into the detail of the inner workings of how our government operates, and a chance to get some full and frank advice.

We have conducted a couple of good inquiries over the part of the year that I have been on the committee—specifically, the rate capping inquiry and the labour hire inquiry, which we are just finalising now. What excites me is that our committee does actually try to grapple with the issues as they are presented on a genuine basis. At times, we may not agree on the outcome, but we can at

least agree that there are issues that need to be fixed and on the ways in which we could potentially fix them.

To me, that is quite an exciting part of our democracy I think most people do not get to see—their parliamentarians actually grappling with the sometimes extremely complex and difficult issues that are presented to us. I would like to thank fellow committee members for their engagement in the committee. I would like to thank Lisa Baxter, Kendall Crowe and Gordon Elsey for their work and I look forward to an exciting 12 months ahead as we tackle some of the new challenges that are presented to us in our portfolio area.

**Mr SPEIRS (Bright) (11:05):** I would also like to make a brief contribution on the Economic and Finance Committee's annual report for the 2015-16 financial year. As the member for Little Para (who chairs the committee) and the member for Schubert (who is a member of the committee with me) both said, it is a good committee to be on. It does interesting work and has undertaken quite varied work over the past year. As has been mentioned, we have looked at the local government rate capping issue and, in more recent months, we have looked at the labour hire issue, which was referred to us by this house.

As the member for Little Para said, we met 17 times and, as well as undertaking those specific inquiries, we also had the opportunity to undertake our statutory obligations around the analysis of the emergency services levy and the Auditor-General's reports and to look at the sport and recreation fund. As I have mentioned here before and will do again, I do think that public accounts committees like the Economic and Finance Committee should be chaired by an opposition or non-government member and perhaps have a balance of non-government members.

That is the case in other jurisdictions and I believe it should be the case with all committees in South Australia. That is not, by any means, a reflection on the member for Little Para in his role as Chair. I think he has some agreement with me on this point. I think he is a very good chair but, as I have said here before on a number of occasions, I believe that, as is the case in other jurisdictions, the Chair should be a non-government member because that enables a certain level of scrutiny and a different approach to the analysis of the issues before the committee.

In closing, I would like to thank the parliamentary staff who support the committee—particularly, Ms Lisa Baxter and Ms Kendall Crowe—and our research officer, Dr Gordon Elsey. I would also like to thank my fellow committee members for their contributions over the past year. As I said, it is a good committee. We have robust debate from time to time, but we often agree as well. My fellow members are, from the government, our Chair (member for Little Para) and the members for Wright, Colton and Light and, from this side of the house, myself and the members for Schubert and Hartley.

**Mr ODENWALDER (Little Para) (11:08):** I do not have much to add to my initial contribution. I want to thank members for speaking. I thank the members for Bright and Schubert for their contributions. Oddly enough, I agree with the spirit of much of what the member for Bright says in his criticisms of the committee system, and this is something that we discussed at ACPAC, both at the conference here and at the biennial conference (the handover conference, so to speak) in Alice Springs. There was a lot of talk about better functioning of public accounts committees, and I am sure we will reach some point of agreement in the future about how to better manage public accounts committees in this state. I will leave it at that today. I thank members for their contributions and I commend the report.

Motion carried.

#### **PUBLIC WORKS COMMITTEE: MOUNT GAMBIER PRISON EXPANSION**

Adjourned debate on motion of Ms Digance:

That the 550<sup>th</sup> report of the committee, entitled 'Proposal to expand Mount Gambier Prison—additional 112 beds', be noted.

(Continued from 21 September 2016.)

**Mr WHETSTONE (Chaffey) (11:10):** I would like to further expand on my remarks in regard to the 550<sup>th</sup> report on the proposal to expand Mount Gambier Prison. I will start with a little bit of

background. The prison was opened in 1995, located in a general farming community in the District Council of Grant. It is the only privately managed prison in South Australia. Over the years there have been a number of expansions at the prison, including 24 beds in 2014 for low and medium security accommodation.

As a committee, we visited the prison last year. It was a productive visit. I think we have visited all of the prisons now in South Australia as a committee. What it shows me is that the expansion of Mount Gambier Prison will now provide an improved capacity of 2,861 beds right across the prison system in South Australia. Currently across the system, there are up to 119 short-term beds—61 beds with DCS and 58 beds with SAPOL, such as the City Watch House and the Holden Hill Police Station.

Currently, Mount Gambier Prison accommodates 453 low and medium security prisoners, and the expansion will take the capacity to 605 by 2018. With the half a million dollars already spent, the cost of the remaining expansion is \$58.2 million (excluding GST). In addition, regarding the accommodation expansion, there will be additional buildings which comprise officers' stations, multifunction programs, education rooms and recreational indoor space, and there will also be a refit of the new visiting area, new medical facilities and new videoconferencing facilities, as well as the upgrade to the electronic security infrastructure from analog to digital.

During the hearing, I asked about the use of the local businesses in the project and was told they were going to be used, so I hope to see South Australian businesses involved in that project, no matter how close the Victorian border is. One of the things that raised my interest was the \$1.87 million architects' bill for this project. Looking at the project, it is modular and it is an expansion of recent upgrades to that prison. We are told there was a competitive tendering process, but again I question the high cost of those fees in a job.

The departmental witnesses were not able to rule out Mount Gambier Prison ever being a high-risk prison. I know that the security fencing, the perimeter boundary fencing, has the standard which is high security. We were told that they could never rule out anything when asked if that prison could potentially become a high security prison. I am sure that that would raise some concerns, particularly with the local member down there, Mr Troy Bell. I am sure that he and his constituents would have some concerns at never ruling out that prison becoming a high security prison.

It is an upgrade that, sadly, is needed in South Australia. The prison system in South Australia seems to go from full to full to full. We do upgrades, they fill up very quickly. We do another expansion, that fills up. Overall, I welcome the report on the upgrade of the prison, but what is clear is that once the expansion is finished in 2018, it will not be long before the state government will need to consider further prison upgrades in Mount Gambier.

**Mr BELL (Mount Gambier) (11:14):** I rise to make some brief comments on the Public Works Committee report on independent living units and the additional 112 beds. I have a couple of concerns from this report. First of all, the architects' costs are \$1.87 million. In looking at the plans, I struggle to see how that value could be placed on architects' fees. It is basically a modular unit that fits within an existing arrangement. For that value to be put on it and to see that there was a tender process, I scratch my head a little bit.

I want to put on the record some of the community's concerns with an ever-expanding prison system. It was not that long ago, four or five years ago, that we had around 300 prisoners and not that long before that we were around the 170 mark. To now see our total prison population rise to over 600 prisoners (605, I believe) in such a short period of time has raised alarm in the community. The disappointing thing is that there seems to be no effort being made to address those concerns. If the state government were serious in addressing those concerns, I think it could be done.

The main concern is that prisoners' families relocate to Mount Gambier or business associates of those in prison relocate to Mount Gambier. Anecdotally, there seems to be an increase in some pretty strange behaviour, which may or may not be linked to an ever-increasing prison population. Without effort being put into seeing whether or not those concerns are valid, it leaves the community in some doubt as to what is going on.

It would not be that hard to actually commission a study into prisoners' families relocating, of course with confidentiality being at the forefront, and also into whether business associates or people who visit prisoners have relocated to Mount Gambier. The concern is that, with an increasing prisoner population, other services are stretched. I know of schoolteachers who have contacted me, as there are more and more students presenting with more and more complex issues. They are saying to me that families have been relocating due to their dad being at the Mount Gambier Prison.

The hospital is quite often at capacity. With an ever-increasing prison population, no thought has been given to increasing the size of the Mount Gambier hospital to account for an increase in prison population. The police, believe it or not, often talk to me about some of these prisoners coming with prior convictions or other matters which are still to be dealt with, such as needing to be either issued with a summons from the police or interviewed on other matters still pending. Of course, this takes valuable police time off our streets because they are conducting interviews out at the prison on matters that may be outstanding with prisoners facing future court date appearances.

Another concern is that this is a privately managed prison. It is reported as being the cheapest prison in South Australia to run. It is not land locked—that is, there are no surrounding houses such as at Yatala or some other prisons—and if they do need to acquire new land then it is cheap land. Even with these additional expansions, reports say that we will hit capacity in our prison system in just 18 months' time, in 2018.

Of course, more prison expansions will be required, and the fear is that Mount Gambier will be an ever-increasing place of prison expansion. There is a concern in the community that we will become known as a prison town. I would like to challenge the government that with 40 per cent of prisoners re-entering the prison system there is a huge opportunity to put in preventative programs or rehabilitation programs that actually work and stop the reflow of prisoners coming out of prison and 40 per cent of them re-entering the prison system.

The fact that the perimeter fence has been built to a maximum security level is deeply concerning. The thought that Mount Gambier Prison could go to a high security or maximum security prison would be and is a concern for residents of the South-East. No assurances have been given in this report that Mount Gambier Prison will not go to a maximum security prison, and in fact the facilities are in place should the government of the day decide that that is the way it wants to go.

Of course, local businesses in the development or the construction of the 112 beds would be welcomed and is welcomed. However, in the report I find it interesting that not only is there going to be a head contractor responsible for all aspects of the build but that DPTI will be paid \$1.5 million for its role as the risk manager within that project. If you think about it, that is \$1.5 million for 112 beds for which a head contractor is going to be taking all responsibility and then subcontracting down.

I wonder what value that actually incurs and how a figure of \$1.5 million can be put on what is essentially a modular unit. Blue Lake Homes, one of our fine builders, could probably do that job very cheaply. Again, I wonder whether it is a cost-shifting exercise, where public servants will be paid through this type of offset arrangement, inflate the price and prop up the bottom line of DPTI and not much work needs to be done.

With that, I think the biggest opportunity I would like to see come out of this is further consultation with the community. It is an area that was asked about in the questioning, but I think it was poorly answered. Very few members of our community have been consulted. As the local member, I certainly have not been consulted. In fact, the only people I can see who have been consulted is the Grant district council. I think there is some real work that needs to be done there.

If there are to be further expansions in the next 18 months because demand will outstrip the supply, then I think a lot of work needs to be done on alleviating the concerns of our community, doing some tracking of where prisoners' families are locating; when prisoners are released, where they relocate and for what period of time; and further consultation with our community. I think we are almost at saturation point, where the community will not accept an ever-increasing gaol system in Mount Gambier, and I am suggesting that further work needs to be done in those areas. With that, I will conclude my remarks.

**Ms DIGANCE (Elder) (11:24):** I would like to thank those who have contributed to speaking about the Mount Gambier Prison additional beds, courtesy of the Public Works Committee. In

particular, to the last speaker, the member for Mount Gambier, thank you for your contribution. With that, I note the report.

Motion carried.

### **ECONOMIC AND FINANCE COMMITTEE: INQUIRY INTO LOCAL GOVERNMENT RATE CAPPING POLICIES**

Adjourned debate on motion of Mr Odenwalder:

That the 91<sup>st</sup> report of the committee, entitled Inquiry into Local Government Rate Capping Policies, be noted.

(Continued from 27 July 2016.)

**Mr PEDERICK (Hammond) (11:25):** I rise to finalise my remarks in regard to the Economic and Finance Committee's 91<sup>st</sup> report, entitled Inquiry into Local Government Rate Capping Policies. At the end of my recent comments in this house, I was talking about how people who are residents in local government areas are keen to make sure that they get appropriate services for their rates.

I certainly know from living in a country electorate with a country council that people are concerned, especially in regard to the maintenance of their rubble roads, dirt roads or whatever you want to call them. Yes, it does eat up a lot of funds, but councils certainly receive funding from the federal government for some roadworks. The biggest thing that causes angst amongst constituents is when they see that their roads are not being tended to.

Just because of populations, different councils can have far higher rates than others, and it has certainly happened in my electorate in the past. I have had people at the end of one council area who would like to move to another one. I just advised them of the processes they needed to go through and said, 'It's in your hands now.' It did not progress, but they made the point that they wanted their roads serviced more regularly, especially because they were paying very high rates compared to the neighbouring council.

It is all population based, and raising the relevant amount of funds to get the requirements for road funding can be a real issue in council areas with small populations. I have certainly had cause to contact my local council about a road in my council area just behind my property. I use the road quite a bit and I had to tell them that it is in the worst condition I have seen it in my 54 years of living at Coomandook.

**Mr Whetstone:** Are you really that old?

**Mr PEDERICK:** Sadly. Thankfully, they got onto it and tended to it within a couple of weeks, but it should not get to that, and that is the issue. There has been a change of management and a change of how they manage it. It appears that there is less grading. I met with the mayor and the CEO and they indicated that it is because of the way the roads were built in the past.

One of the biggest bugbears of people living in rural council areas is making that sure their roads are getting dealt with and that funding is not being dealt with elsewhere, because councils are a far bigger beast than they were. Years ago, you had the town clerks and now you have a lot of staff who have come through the system who have not been brought up in the area. They have an outside view, and sometimes that is a good thing.

Sometimes, it can be a more interesting view of the world as to what happens in your local council area, but people who have lived there all their life have a long memory of how things have worked, what worked in the past, what did not work and certainly of what they would like to see into the future. That is why we have a policy of rate capping in our Liberal policies and will be taking that to the next election.

**Mr SPEIRS (Bright) (11:29):** It is a pleasure to be able to speak today on the inquiry into local government rate capping that was undertaken by the Economic and Finance Committee of South Australia's parliament. In May 2015, the committee gave bipartisan support to this inquiry when I proposed that we look into rate setting by local government. What unfolded was a really interesting period for the committee. I believe we went through a fairly detailed analysis of the processes and systems behind rate setting by the local government sector and eventually came up with two positions: the government had a position against the policy of introducing a rate cap on local

government rates; and the opposition members of the committee (the member for Schubert, the member for Hartley and I) submitted a minority report which sought to support the introduction of a rate capping policy by the state government on local councils in South Australia.

I think the process that the committee went through to reach this position was a healthy one. It involved policy analysis and hearing evidence from a range of different sources—some for the introduction of a rate cap and many against the introduction of a rate cap. Those who were against the introduction of a rate cap were largely representing local councils which, you would imagine, would have a built-in bias against a policy which seeks to restrict their ability to raise revenue. This is a policy in which I strongly believe. People often say to me, 'Well, as someone who came from local government prior to entering state government, why would you be in favour of a policy which restricts the capacity of the local government sector to raise revenue?'

In fact, my time on local government is the reason that I am so supportive of such a policy. When I sat on the City of Marion council, which for over a decade raised its council rates by an average of 5 per cent per year, I was particularly troubled by that approach. An increase of that amount which is above and beyond CPI or inflation, eats into the discretionary income of households bit by bit. You can only sustain that for so long before you are putting a significant cost impost on those households. We know the cost of living is a significant problem for South Australian households. It is an issue that comes up time and time again and is brought up with me in my role as a local member of parliament.

People worry about the cost of utilities, the cost of groceries, the cost of fuel, the ever-rising emergency services levy, and the various taxes, fees and charges that are levied on them by our state government. People find this onslaught of charges increasingly limiting their ability to make decisions to improve their lives, to send their children to private school, to pay down their mortgage a bit more, and so on. We should be exploring anything that we can do, as a Liberal opposition or as a state parliament, to reduce the cost of living pressures facing South Australians today in difficult economic times and giving it serious consideration.

That is one of the reasons that I so strongly support rate capping. Is it going to be a huge year-on-year saving for households? Perhaps not, but every little bit counts. I remember when I was on the City of Marion council, people repeatedly said, 'We can raise our rates by 5 per cent or 5.5 per cent a year—or whatever they were proposing that year—because that is only the price of a cup of coffee each week.' Now that might be the case. It might be \$4 or \$5 a week, but that is on top of a \$4 or \$5 increase per week on electricity, water and the emergency services levy, so the cumulative effect of that is particularly damaging on a household budget.

As a state parliament, if we can find ways to reduce that coffee a week increase in people's expenditure on different aspects of life, whether it be rate capping or the emergency services levy reduction (which the Liberal Party has proposed as a policy moving forward into the election period in 2018), and if we can find these ways to reduce the cost of living within individual households in this state that can only be a good thing.

As a state parliament, I think we should be looking at the third tier of government, being local government in South Australia, and asking, 'Are there ways that we can help or assist or encourage local government, whether that be in a legislative way or not, to help them reduce the cost imposts that they are placing on South Australian households?' If a rate cap is required to encourage councils to cut their cloth more effectively and to look at efficiencies within the way that they do business, I am absolutely supportive of us going down that track. That is why I am a vocal proponent of the South Australian Liberal Party's policy to introduce a rate cap on local government rates.

Many times I have mentioned in parliament my concerns about local government. I have said many times that local government has the capacity to be the best tier of government because of its ability, on a day-to-day basis, to impact the lives of ordinary South Australians because of its relative closeness to our communities. Too often, rather than being the best tier of government, local government is the worst tier of government. It gets distracted and does not necessarily have the capacity among elected members to deliver the reforms that are needed and often it gets in the way of progress.

It gets in the way of economic development and it looks for ways that it can stop things from happening as opposed to looking for ways to make things happen, particularly when it comes to economic development. I see that time and time again, councils putting up barriers to planning, putting up barriers to businesses moving ahead, creating unnecessary rules and creating unnecessary red tape. I often say to the councils that fall within my electorate, 'It's not action that you need to take to create economic development that you need to look at, it's actually what you shouldn't be doing that you are currently doing that might have more of an economic impact.' I encourage councils across the state to look at what they can stop doing in order to stimulate their local economies and really have a different lens over their business when it comes to economic development.

In closing, I would like to re-emphasise my strong support for the introduction of a local government rate cap as proposed by the Liberal Party of South Australia. I think this is a valuable policy and one which our minority report, as presented by me, the member for Schubert and the member for Hartley to the Economic and Finance Committee, outlines in considerable detail. I would like to thank all the members of the committee who went into this inquiry with an open mind, I hope, and heard plenty of evidence over the year that this inquiry took place. Our minority report makes good reading and I would commend it to the house.

**Mr DULUK (Davenport) (11:38):** I also rise today to add my comments in support of the minority report on the rate capping inquiry and, of course, to make a contribution on that. In recent years, I believe that we have seen an unhealthy habit develop within local government, and that is to impose annual rate increases well above CPI and the Local Government Price Index on ratepayers.

My electorate of Davenport overlaps two councils: the City of Mitcham and the City of Onkaparinga. The average annual increases for the past five years have been slightly under 5 per cent for the City of Mitcham council and slightly over 5 per cent for the City of Onkaparinga. This is a year-on-year increase with a compounding effect, and it is increasing beyond the reasonable measures of the people's ability to pay, as the member for Bright put so well in his contribution.

These 5 per cent annual increases have been so habitual within these two councils that they have become quite the norm. When Mitcham council was considering its budget for 2016-17, local councillor Karen Hockley described a proposed 2.95 per cent increase as 'manageable'. Let us be clear: a 2.95 per cent proposal that is deemed to be 'manageable' by councillor Karen Hockley is indeed no small amount. It is more than double the current inflation rate. The inflation rate for the June 2016 quarter was just 0.4 per cent, and to have a 2.95 per cent rate rise on an average 2015-16 rate bill of \$1,581 is an increase of about \$32 per annum.

To some of us in this chamber \$32 per annum might not be seen as a big increase for those council rates. I do not believe our constituents who are on fixed incomes or who are senior residents in our community would share councillor Hockley's view that a \$32 increase in their council rates is manageable, especially when they themselves do not necessarily see the tangible benefit of that rate increase.

A \$32 increase, on average, in the City of Mitcham is compounded when we have the cost-of-living pressures that have been imposed by this Labor government. We have seen ESL increases year on year, and we have seen surging cost-of-living expenses in recent times, particularly in water and electricity costs. Those are set to rise. At the moment we have the Treasurer engaging in a paper bag war about electricity prices and who has been responsible for the increases. He is blaming the privatisation of ETSA by the previous Liberal government in the last century; of course, he always fails to mention that the Olsen government took the decision to privatise ETSA on the back of the State Bank debacle. We never hear those opposite talk about that.

Those on this side of the chamber are committed to reducing cost-of-living pressures for South Australians because we understand that many households are indeed in financial distress. We understand that there are record numbers of households seeking emergency government payments just to keep their lights on. We understand that surging power prices are crippling businesses and, of course, consumers are once again hit with higher prices as businesses look to recoup their power cost increases.

South Australians do need help, and we on this side of the house believe that rate capping would be a very positive step towards alleviating some of the financial pressures confronting residents. First and foremost, the introduction of rate capping would force local governments to examine their own cost structures. It would force councils to sit back and ask, 'Are we providing the services that we should be providing, or are we providing services that are out of our mandated scope?'

In private enterprise, profitability underpins your survival. If you spend more than you make you will not be in business for too long. Too often, local councils do not face this burden. If they cannot balance their books, there is an easy answer to raising more revenue: rate increases. Rate capping would remove that safety net and compel financial discipline. Local councils would be motivated to review their spending decisions and review their role and responsibilities. That is not a bad thing in and of itself.

I agree with the member for Hammond's previous comments on this topic. He said that local governments appear to have lost their way from their core responsibilities and are now involved in a whole range of matters that are perhaps beyond the original or intended scope of councils. Recently we saw the City of Adelaide commission a toilet block for, I think, well over half a million dollars. One would hope that it is a very nice toilet block in our—

**Mr Pederick:** \$700,000.

**Mr DULUK:** A \$700,000 toilet block in our Parklands; that is certainly a lot of good sewage. As the member for Schubert also noted in his contribution on this debate, rate capping would start a necessary conversation about reforming local government. I think this is the most important part of the debate we are having. Councils should not fear a debate about their role. They should have conversations about reforming government and seeing how they can be more efficient in what they do. We at the state level of government should always review our operations and be as efficient and lean as we can. Ultimately, it is not our own money we are spending as arms of government; it is the people's money.

So the conversation needs to start, and I think it is starting. I know many councils and councillors have contacted me and many on this side to talk about this proposal. The conversation could be about the need for improved efficiencies, efficiencies that will deliver council services in the most cost-effective manner and efficiencies that will ensure households and businesses are receiving value for money.

The member for Schubert also noted that part of this conversation should include the ways in which state government can help local governments lower their cost structure, in particular reviewing the impact state government has on increasing local government costs through the rubble royalties program, increased NRM levies, the solid waste levy, of course the ESL that some councils are also responsible for collecting, the cost of red tape and the legislative imposts, all of which have a significant cost to councils and their operations.

That is the way in which state government and this parliament can help local governments improve efficiencies within their operations. Indeed, the member for Goyder highlighted that the submission by the District Council of the Copper Coast asked that we 'look at removing red tape and make it easier for councils to service our communities'. Indeed, that is something we should all be doing. Increasing council rates out of proportion to inflation simply are not fair, and councillors should look long and hard when they go through their budgets year on year.

They should not just scoff and say anymore that another 5 per cent council rate rise, well above CPI, is an appropriate tool. If the state government sees fit to cap Public Service wage growth, then it seems reasonable that council rate increases should also be capped to prevent increases above inflation. Rate capping would help drive improvements in service delivery to South Australians, improve efficiencies within local government and remove excessive cost to businesses and households—all of which are fundamental to growing our state's economy.

**Mr ODENWALDER (Little Para) (11:46):** I want to thank all members for their contributions to this debate. I want to thank the member for Bright for introducing the motion to the Economic and Finance Committee and for his always thoughtful contributions. As always, he makes a lot of sense and I disagree with him entirely. I want to thank all other members who contributed to the debate,



and the member for Goyder, of course, who had some legislation to this effect which I gather prompted some of these debates. I also want to thank particularly the member for Colton on this side, who put the arguments of our side of the committee very succinctly. I would say to the member for Davenport that I think the remedy for councils making stupid decisions is to get new councillors. I think that is a simpler approach than imposing some artificial limits on their operations.

*Members interjecting:*

**Mr ODENWALDER:** I am not going to respond to interjections, Deputy Speaker.

**The DEPUTY SPEAKER:** But you need my protection anyway.

**Mr ODENWALDER:** I don't think so, but thank you. It was a good inquiry. We did approach it with an open mind. We on this side accepted that we should have a look at this. We heard a lot of evidence. In the end, there was a report and a minority report. I suspect it was always going to be thus, but we did listen and we did consult properly. It was quite an extensive inquiry and, as members have outlined, we basically brought in everybody who had an opinion on this. It took quite a while.

Having said that, although we were not in agreement in the end, I want to thank all members for their contributions. I want to thank the staff for their support throughout this inquiry. I want to again express my gratitude to Dr Gordon Elsey, who will be leaving at the end of this week, for his service to the committee. I commend the report to the house.

Motion carried.

#### **NATURAL RESOURCES COMMITTEE: PINERY BUSHFIRES**

Adjourned debate on motion of Hon. S.W. Key:

That the 116<sup>th</sup> report of the committee, entitled Pinery Fire Regional Fact-Finding Trip, be noted.

(Continued from 6 July 2016.)

**Mr TRELOAR (Flinders) (11:49):** It certainly seems a long time since I sought leave to continue my remarks, and it is certainly a long time since the Natural Resources Committee undertook its tour of the Pinery fireground and even longer since the fire itself. The irony of all this, of course, is that today, and particularly tomorrow, most of this state and the area affected by that fire is expecting cold, wet and windy conditions, with not insignificant rain forecast and, in fact, gale force winds as well. I trust that the farmers who were affected by the fire can still make good use of the coming rain, although the season has certainly been a wet one and no doubt some of them will have hay on the ground, which could be affected.

I pretty much covered all that I wanted to discuss with regard to the fire itself, in my previous contribution, but I wanted to talk to you today particularly about the importance of communications on a day of extreme events and the reliance of our modern world on the supply of electricity. I say that because one of the very first things that goes out in a major bushfire event is the power supply and, in fact, it does not even have to be a bushfire event; it could be a day of severe wind. I have no doubt that, with the upcoming storm event we are going to be dealing with over the next 36 to 48 hours, there will be power supply disruptions.

We are so very reliant upon the supply of electricity in our modern-day lives for everything, particularly for household appliances, and on a fire day it includes water pumps. It can actually upset the best laid plans of residents in their efforts to defend their property and their homes. People need to be conscious that the power supply more than likely will go out. It is also a critical part of our communications, and I am talking about internet access, mobile phone coverage, and even landline phone coverage.

I speak to this from experience because there was a power outage on Eyre Peninsula just a few weeks ago; it was taken out as a result of a storm event. What we discovered was that it took a couple of days to repair the damage. In the meantime, not only were we without our household appliances but the eight-hour battery life of the mobile phone towers expired, which left us without communications. On an extreme day, on a day of high risk and high incidence, that capacity for communication is so essential that we really need to be conscious of how we manage good communication in events such as these.

As I said earlier, the farmers have had good rains this season and their properties have recovered from the fire. I hope that, as a result of this year, they are able to get their businesses back on track and also to repair their lives as best they can.

**Dr McFETRIDGE (Morphett) (11:52):** I just need to put on the record that I am a member of the Country Fire Service, and I am speaking as the shadow minister, not as a baggy pants with Meadows brigade today. The report on the Pinery fire is an interesting one. What is even more important, though, for all of us are the lessons learnt. There are a number of lessons that have been learnt, and I hope that those lessons are going to be not only learnt but actually acted on. Time and time again we see the reports that come out of bushfire inquiries, right back from the royal commissions into Ash Wednesday through to the Wangary fire and the Sampson Flat AFAC inquiry, and we have seen Euan Ferguson, the former head of the CFS, doing an inquiry into the Waroona fires in Western Australia recently, and, when you look across all of the recommendations, many of those overlap.

Particularly in the lessons learnt in the Pinery fires, there are a number which are absolutely imperative that we do act on. Certainly, can I say that lesson number one was changes to incident management. There have been different levels of incident management teams in South Australia for many years now, but when you get the big fires it is the level 3 incident management teams that come in.

I was very pleased to see that the CFS, being proactive, had a two-day seminar and workshop on incident management just recently, and I am looking forward to seeing the results of those. That workshop, to implement the new AIMS-4 training that is going on, is one of the first lessons that was indicated in the report on the Pinery fire. It is very, very important that you do get effective incident management, whether it is a car crash and managing traffic, or whether it is at the other ends of the spectrum with big disasters like Pinery and Sampson Flat.

Lesson 2 is public information and warnings. The member for Flinders talked about power outages, and that has been a huge issue over the years. We saw that at Pinery. We need to make sure that we are prepared for extended power outages. I go back to a letter that was written to the federal parliament inquiry into emergency services and emergency warning systems. Back in 2011, some five years ago, the then acting police minister, Bernie Finnigan (I am not going to say 'honourable') wrote a letter on Kevin Foley's letterhead talking about the impact of extended power blackouts on warning systems for the State Emergency Services, including country fire brigades and landholders.

He talked about the impact of extended power blackouts not being restricted to warning systems in South Australia, but agencies such as the police, the Country Fire Service, the SES, the MFS and the ambulance service, that all rely on the GRN, which has a battery backup of about eight to 16 hours, depending on who you speak to. When you speak to the telcos about their battery backups, they are about a maximum of 20 hours. After that, you have no communication: you have no mobiles, in many cases no landlines, and you certainly have no warning systems. Satellite phones certainly will work. Until recently, you could not dial 000 on a satellite phone, but fortunately that has been resolved and now you can.

This is going to be an ongoing problem. If we see trees come down onto powerlines in the Hills and the metropolitan area this week, we could be without power for days and days. So it is very important that we make sure that our early warning systems are in place, and also the follow-ups, so we can keep people informed and, more importantly, so our emergency services can talk to each other. Unfortunately, as former emergency services minister Piccolo said, VHF radios are the backup, and they are if they are a line of sight. Even the new digital VHF radios being rolled out now are really limited to a line of sight.

We need to make sure that there are services and systems in place. Part of that is automatic vehicle location. I have been going on about that for years in here, after premier Rann announced that they were going to install automatic vehicle location systems in CFS trucks in 2008, I think it was, eight years ago. Automatic vehicle location is another recommendation in the Pinery report, so we know where those firetrucks are. They can be linked through to all different sorts of radios, mobile radios in the trucks, back to the GRN, and to a satellite system as well, and also the wireless system, an internet system that can work through there.

We need to put that in place. We need to make sure our firies, our emergency services, are safe when they are out and about on days like today or in bushfires, or at any time when they are putting their lives at risk. Part of doing the right thing is making sure that the trucks they are in provide the best protection. For the minister to come out and say that eight out of 10 trucks will be fixed within the next four years is not good enough. It has to be 10 out of 10 trucks that are going to be fixed and, if possible, they should be fixed before this fire season, and, if not, those trucks should only be used as backup trucks. We need to make sure that our firefighters, our volunteers, are given the very best protection.

They have the halo systems, the water systems, on the outside of the cabs; they have in-cab breathing in the event of a burnover; and they have the fire curtains. But they also should have in-cab pump starting so they can actually start the pumps on the back of the truck to get the systems working because at the moment, if they are in the cab, they cannot start the pump without actually leaving the cab. We need to have in-cab pump starting. Those sorts of things are simple, but they save lives. This is a very important report. We must look at the lessons and learn from those lessons. I seek leave to continue my remarks.

Leave granted; debate adjourned.

*Parliamentary Procedure*

**STANDING ORDERS SUSPENSION**

**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) (11:59):** I move:

That standing and sessional orders be and remain so far suspended as to enable Private Members Business, Other Motions, set down on the *Notice Paper* for Thursday 29 September, take precedence over Government Business, Orders of the Day, set down on the *Notice Paper* for 29 September, for two hours 30 minutes.

Motion carried.

*Bills*

**LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 4 August 2016.)

**Mr GRIFFITHS (Goyder) (12:00):** I confirm that I will be the lead speaker on the legislation. I was wondering if the member for Kaurna was going to sit down at the front? It is just a suggestion.

*Mr Picton interjecting:*

**Mr GRIFFITHS:** You never know. The Local Government (Mobile Food Vendors) Amendment Bill was introduced by the member for Kaurna on 4 August. The member was quite generous in providing me with a briefing opportunity six or seven days after that. At that stage, no regulations were available, but we talked through the three or so pages that were in the legislation.

I put on the record that the member reiterated that the objective of the bill is to ensure that food truck operators have the opportunity to start their businesses and reach consumers without first having to tackle a barrier of inconsistent and burdensome regulatory settings. The next statement will lead into that, but I must say that the Liberal Party has considered this legislation very carefully. We have had a good debate about it in our room. A variety of submissions have been provided to me; I have read every single word of each of those and I have been in contact with people on a follow-up basis in some of those cases, too.

We have the implications of those submissions, and we have come to the conclusion that the bill just adds more regulation requirements; therefore, the Liberal Party does not support it. I will put some reasons for that, though, and my intention is to ask an extensive series of questions at the committee stage, too. I understand that this is a very serious matter, but it is a decision that has been deliberately reached because we believe very strongly that the current responsibility of local

government to be responsible for mobile food vendors has allowed the industry to be successful in areas where people have chosen to do it.

We do not believe that it is necessary to have this level of regulatory burden placed as an overlay, and a specific direction given to local government, when we believe that they have the responsible decision-making capacity already to do so and to work within the guidelines and the policy they set locally. I want to point out that we recognise that food trucks have proved to be a success in the City of Adelaide under the current arrangements, and that has been subject to extensive review in recent years. We believe that there is no justification for any additional regulations to their operation.

We believe that what the member, and by association the government, is proposing is another level of regulation that simply is not necessary and will unfairly disadvantage existing businesses. We have been contacted by those, and by those who represent them, and I can put on the record, for example, that the restaurant and catering association pointed out in their June discussion paper, which was in response to the initial discussion paper put out by the government, that the number of people employed in South Australia in cafes, in restaurants and in catering, is 14,900 people. That is a significant number of people who actually work in the area, so I know it is important.

We do not believe that putting another burden of regulation in place is going to help unemployment. Part of the Liberal Party's DNA is to support entrepreneurs. We want mobile food vendors to operate, yes, but we believe the current situation of local government having the policy in place, implementing it fully and whether they deem it to be appropriate is what should remain.

We believe that local councils should be able to control what sort of businesses come into their area. That is why I was a little bit concerned when I read an article in the InDaily that had a direct comment by the member for Kurna. It said, and I quote:

Essentially, we don't see it's the councils' role to determine how many businesses—or what sort—should be setting up in a particular area.

This is no different. Considering that statement from the member for Kurna, I look at development plans, where, from a bricks and mortar perspective, land is appropriately zoned for activities to take place. It is a key responsibility for councils and communities to determine where that is. The regulations tell a bit of a different story from the member for Kurna's. He says that while a permit has to be granted the councils will determine its location based on a variety of issues; and we will talk about that later too. That comment intrigued me, and it was from early August—I do recognise that.

We do not believe that it is necessary for state parliament to have the responsibility to oversee this. I was interested in a question time issue yesterday when the member for Waite talked about economic modelling. I would love to see where the economic modelling exists in this. The member for Waite was rather critical about a statement and policy position that we on this side had formed—

**Mr Whetstone:** It was the SDA spokesperson.

**Mr GRIFFITHS:** Yes—but here I have seen no evidence that supports the economic modelling of where a positive impact can be seen. I want to give a brief description to all members of what the implications of it are, and this is just so that everybody understands what it will do. The legislation itself is relatively short, but there will be some questions in there. The regulations set out the situation of how it is to be conducted, and the regulations are five pages long. The member for Kurna was good to me when I contacted him about the availability of the regulations, but I was frustrated because they were not available in the first instance. After subsequent contact, they still were not available. They were provided to me a week ago.

**Mr Picton:** The draft regulations.

**Mr GRIFFITHS:** The draft regulations, at that stage, were provided to me a week ago. I know the member was still consulting with a variety of groups. He was probably talking to a lot of people who wanted to see the regulations and their implications because that is how the legislation

is to be operated and used. They want to know what the impact will be no matter which way you consider it.

I can put to the house that, from the regulations that I have gleaned, councils cannot determine the type of food or the operating hours that are to be put in place for the mobile food vans, other than for special events that are to be held. Each council can conduct a food and safety inspection if it chooses or they can expect an inspection endorsement from another council. The term 'passport' has been used for what will be put in place, whereby an inspection undertaken by another council can be recognised. I have some questions about fees and all that sort of thing and how that is to be conducted in a practical way.

The regulations also provide that fees may not exceed \$200 for a monthly permit or \$2,000 for a year, for a 12-month permit. Each council can determine their insurance requirements. I have some questions about that. On the basis that the member for Kaurna wants to introduce regulatory controls, in this case there is no suggestion that it is to be a certain minimum or maximum figure or what type of insurance might be required. We will talk about that in the committee stage also.

Councils must ensure that a mobile food vendor does not unduly interfere with vehicles driven on the road, vehicles parked or standing on roads, public transport or cycling infrastructure, or infrastructure designed to give access to roads, footpaths and buildings. I respect that, but my question then becomes: what is the impact of that on the basis that the mobile food vendors are parked on roads? If there is a restriction in place for the length of time that the vehicle can park on that road, does the permit allow that to be voided, and therefore can a mobile food vendor be there longer than the recognised parking requirement for trucks and cars?

*Mr Picton interjecting:*

**Mr GRIFFITHS:** The member for Kaurna shakes his head, so we will flush that out a bit more also. The next point I make is that ice-cream vendors are not restricted by this. There is a specific inclusion in the regulations that details that.

The next issue is that each council must adopt rules that detail the location of operation and include details on a map of the area and details of the minimum distance between land-based businesses and mobile vendors. I find this interesting. This is obviously an area where the City of Adelaide has been heavily involved in recent years, but I know from some feedback provided to me that came from the City of Prospect, for example, an inner metropolitan area, that they do not have applications for mobile food vendors, and they would like to attract them to come to events that are occurring there.

I use that as an example because, as I understand the regulations, and the member might correct me on this, they require all councils within three months to determine these location rules—I believe they are, member for Kaurna—and the location rules will include the map of the identified road areas and other properties where the mobile food vans are to go. It is interesting that that is a requirement upon all councils to do that work within the next three months when my presumption would be, and I stand to be corrected on this also, if I can use Prospect council as an example, that it has not been an issue because there have not been applicants for it. I would be interested in the member for Kaurna's feedback on the implications of that and, on the basis the legislation does pass this house which no doubt it will depending on what occurs in the other place, how that is going to work.

The next point I make is that the council must comply with the requirements gazetted by the minister. I did pick up this point. This is in the regulations. I asked the member for Kaurna, on the basis that it is a requirement of the minister, whether it is considered to be a regulation that is disallowable. The member for Kaurna indicated to me that he believed that it was, but no doubt he will put it on the record today when I ask questions about what the case is on that.

Councils must determine all areas, not just roads, that mobile vans can operate in. I understand that also because there are large open spaces that communities use, that are an obvious opportunity for an event to be held or for community activities where there is a chance for this to occur, so it is an obvious inclusion.

Another point that is made in the regulations is that, if a council deems that a mobile van will unduly obstruct the use of public roads, it is not required to grant a permit, but in those words being included there are no suggestions of a practical application of how that might work, so I am interested in an example from the member for Kaurna. Is that size-based? I presume it must be because the regulations already talk about not obstructing other infrastructure associated with it, so it must be a dimension issue, I presume, but I would like some details.

The regulations also say that a council can cancel a permit, and that would be for a breach of one of the conditions attached to the permit or potentially also from a food inspection. The regulations also go to the fact that there is a maximum period in which you cannot apply for another permit. I believe it is six months. The member will confirm that. Also, there is a requirement where a mobile food vendor operates in multiple areas for them to advise the other councils of the fact that their permit has been cancelled by one.

If I extend that to the passport system, and therefore the potential for an application of particularly food health inspection across all areas, does that mean that it is a self-regulating requirement or is it going to the suggestion that there might be the establishment of some form of central register where each individual who might hold multiple permits, and this is particularly relevant to them, goes onto there and is flagged so that those other council areas where the permit is held are aware of it also? In a practical way, I would be interested in how, from self-regulation, as it appears to me in my review of the regulations, that will work. I want some clarification on that too.

While the Liberal Party has taken a position against this because we believe it is an additional regulatory burden, we are quite serious in ensuring that, on the basis of it passing this place, we have explanations in a practical way as to how it works and that there is an opportunity for a review of amendments. The challenge for that is the legislation where the amendments are, and I would say yes to that. The regulations are the key thing, so I hope there is an opportunity in my discussions with the member for Kaurna to talk about that and for him to consider that, where something is a valid issue, it is going to be taken up too.

I respect that this is an issue the member for Kaurna has been pursuing for some time. There was a considerable level of media interest in the short term after the announcement was made on the position on that issue. It is a position the Liberal Party has debated rather seriously—and I want to reinforce that—and we have listened to a variety of opinions. I have read the emails and I have had personal conversations with people. We very seriously respect that entrepreneurialism has to be promoted within South Australia.

We want those who have drive and initiative to try, and to try to be successful, but I do not believe, and the Liberal Party does not believe, that this system will fix that. I think that it can be fixed locally; I do truly believe that. The member has put in place a system whereby the councils have to do it. There are rather broad situations about the terms and conditions they can determine on that, but there is a requirement that they have to do it and the activities that come from that. That is where we believe there is a flaw.

I look forward to the debate on this. I know that a variety of other members will probably be looking to speak on this from both sides. There are those who will take positions very strongly indeed about the relativeness of that. You have probably had conversations with people who disagreed with it and those who agreed with it very strongly, and I can assure the member for Kaurna that I have had those conversations also. Politics involves ensuring that you get good outcomes.

We have tried to look where we believe that the current framework, where local government is able to determine via policies, via negotiation with those who propose issues, via considering the impact upon existing business holders, via considering what the needs of their communities are, provides a forum where it can still work. That is what I want it to be. I want mobile food vendors to have the opportunity, and that is why my demand in the Liberal Party in not supporting this legislation is still to ensure that councils actually do the serious work that is required because I want this responsibility to remain with them. With those few words, I look forward to the ongoing debate.

*Parliamentary Procedure***VISITORS**

**The DEPUTY SPEAKER:** Before I call the next speaker, I would like to welcome to the gallery today students from the Rivergum College in the Riverland, who are guests of the member for Chaffey. We have years 4, 5 and 6 with us. We hope that you have had a very good look around. Are you coming back for question time today? No. We will have to see if we can fire up the debate a little bit for you. Let's try to get some interjections happening. Thank you very much for coming to parliament and we do hope you enjoy your time with us today.

*Bills***LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL***Second Reading*

Debate resumed.

**Ms COOK (Fisher) (12:17):** It is no surprise that I am supporting this piece of legislation. I am very pleased to be able to rise to support the member for Kaurna on this. The City of Adelaide has certainly changed over the past three decades. It is much more vibrant, with small bars popping up in our side streets, dining spilling out onto the footpaths and a real multicultural vibe that is evident. It is an exciting place to walk around with family and friends. I have always loved my home town, but now it is so much more alive.

Ironically, two of the things that make it feel much more alive are a real 'back to the future' with trams and food trucks. The late-night walk of shame out of an inner-city nightclub as a young adult was never complete without a pit stop at the pie-cart. I recall one of them was placed near Victoria Square, and there was another at some point under the Morphett Street bridge on North Terrace. If I remember way back before that, one was conveniently located, ready for a purchase, outside the Railway Station, where you could then tip the pie down the front of yourself on a bumpy train ride in the Redhen on the way back to Christie Downs station.

I am not sure that we looked upon the pie-cart as some kind of bold proposition or stroke of genius entrepreneurship, but that is how many of us now actually look at food trucks. I am sure I am not the only person who had my first encounter with a modern food truck with a degree of scepticism and nervousness, even perhaps a hidden urge to quickly wish for some type of yet undiscovered vaccine to food poisoning—a crazy, irrational thought, to be honest, having travelled South-East Asia with my weak-stomached family to street food carts, where I could pay the equivalent of 20¢ for a meal rather than a couple of bucks in the tourist strip.

The food trucks are a real stop of convenience. At night-time, they are there just for that quick pit stop, used to buy something quickly that will fill a hole on the journey home or give you some stamina before going to another show or venue. Something else that is not considered so much is how they wake up perhaps a taxi rank or a place where people are situated waiting to get home. It is these kinds of things in our city precinct that really help to minimise risk and improve safety for people who venture out at night.

During the day, they actually wake up a park or a square. I have met people outside to do business many times in the CBD, grabbing a quick lunch from a food truck, sitting and enjoying the sun and fresh air, rather than actually sitting inside a venue. The way food trucks bring to life these darkened streets at night and green spaces both in the CBD and metropolitan area during the day is a huge benefit from an entertainment, wellbeing and tourism point of view. In recent years, too, with the advent of food TV, we have become quite the community of foodies, and the diverse offerings create an opportunity to engage in food-based conversation on another level.

All around, they really add something to our community. They liven it up and give us a real alternative. Of course, overheads are a barrier to start-up businesses. They are a barrier to cash-strapped and capital-strapped entrepreneurs. Food trucks are a great option for these entrepreneurs to test out their goods on the market without having to commit to a hefty lease or overheads. This bill will help us to encourage more of this activity and it will boost our economy. It is also important to

note that many food truck vendors have already gone on to establish fixed businesses. They are not just fly-by-nighters: they are real start-ups.

It is not just here that they have had success. Burger Theory is now taking on the Chinese market. Some other examples of vendors who have established fixed venues include Low & Slow American BBQ, Delectaballs, Johnny's Popcorn, Coffee Cow, Mischief Brew, Fat Buddha rolls, Veggie Velo, Abbots and Kinney, Bodri's Hungarian Artisan Bakery and my all-time favourite, named Sneaky Pickle. The Fork on the Road events that are held across the metropolitan area are also an amazing way to showcase the phenomenon of food trucks and really demonstrate the popularity and interest that has been generated.

Different councils approach this phenomenon in a number of ways. It really must be very difficult for these small business operators. I am sure many of them are one-person or two-person bands and I would like to see the red tape made as unrestrictive as possible for them. This bill and the accompanying regulations, I am sure, will create some consistency across the state, while still recognising the regional government role around local knowledge. It acknowledges the benefits of this type of business to local vibrancy, local economies and culture. I am reassured that the Adelaide City Council impact studies show that food trucks are only taking up 0.15 per cent of the market.

I hope this is some comfort also to the bricks and mortar businesses, which have expressed some concern regarding the impact of these lower overhead concerns. Of course, I want to see employment maintained in cafes and bars. I would hope that the bricks and mortar businesses could operate in reverse as well—a little like the pie-cart concept—and bring their produce to the people out of the walls and into the streets, bringing them to life. I hope councils use this to their advantage and work with vendors in order to wake up spaces, use the infrastructure already invested in to create alive hubs where families and groups of friends can gather and enjoy each other's company. It is a great alternative to packing a picnic.

Key points to note in the bill include businesses being subject to the same public health and work safety standard as businesses in fixed premises. The bill does not apply to parks or private property: that remains under council control. It applies to the use of streets. Councils remain in control of the permits and have the power to revoke them. The member for Goyder spoke earlier about the application of these suspensions or terminations of the permits being up to six months before they are able to reapply, which I think is sensible. The member for Goyder also mentioned vendors having to notify all councils where they currently hold permits—obviously, it may be possible for them to hold permits across more than one local area—if they have actually breached or lost authority to operate.

The state government has worked very hard to cut costs to small businesses in the past two budgets, making South Australia a really attractive place to do business. We support trading hours and trade that our economy can support. I am a bit confused about the opposition's position regarding this bill. It is in contradiction to its position on Uber, for example. I am not sure that the opposition is entirely sure about its position when it comes to small business.

The member for Goyder said that the state government should not have this type of regulation over local government, but only half an hour ago I listened to them talking about capping rates where the state government would definitely have some control over where the councils are in terms of setting their rates. For me, that policy is all over the place, and if I am confused I can only imagine what the public are thinking right now.

After listening on the weekend to the discussion about the deregulation of trading hours and the lack of encouragement and support for this bill, on the question of whether or not the Liberal Party is supporting small business, I am saying: not at this point. I warn the community. As we move towards these policies where they are not supporting small business and where there is going to be open slather on trading hours, I say to the community: do not be fooled. The big business party is not caring about the working class small business owner and they are not caring about the working class who are very reliant on penalty rates for their wellbeing.

It is not about you. You will not be able to compete with the big end of town as a small business owner. There is no additional shopping money around in our community. We do not have the population to sustain unregulated trading hours. Our tourism hubs will lose their appeal and our



small traders will buckle under the pressure. Also, my constituents, my friends, my family who give up their valuable time with their families to serve their community—

*Mr Knoll interjecting:*

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

**Ms COOK:** —where the only compensation for this being additional money—

*Mr Bell interjecting:*

**The DEPUTY SPEAKER:** The member for Mount Gambier is called to order.

**Ms COOK:** —earned through penalty rates, I say to you that it is disingenuous to suggest that there can be a conversation about opening up trading hours in isolation of a conversation about removing penalty rates. That will be the next big story.

*Mr Bell interjecting:*

**The DEPUTY SPEAKER:** The member for Mount Gambier. You are both defying the chair, and that is an appalling thing to do.

**Ms COOK:** That will be the next big story, and the only ally in the community that you have to fight for your penalty rates is this government—a Labor government. Those against penalty rates will not be there to take your calls on the weekend or after hours, but I digress. Food trucks are here to stay. For my children, they are already commonplace. Done right, they will support our vision of Adelaide being a progressive, interesting and innovative place to live and play. I congratulate the member for Kaurana on this great piece of advocacy and leadership in this space. He has been front and centre on the issue, bringing this first bill to the house, and I commend it to members.

#### *Parliamentary Procedure*

#### **VISITORS**

**The DEPUTY SPEAKER:** I welcome again to the gallery today the Hon. Mrs Akosita Lavulavu, who is a member of the Legislative Assembly of Tonga, and Ms Hortense Tiunukuafe, who is an officer of the Legislative Assembly of Tonga. We welcome them back to parliament and we hope they enjoy their time with us.

#### *Bills*

#### **LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL**

#### *Second Reading*

Debate resumed.

**The DEPUTY SPEAKER:** The member for Schubert is going to behave himself now, because he knows there are really important people watching us.

**Mr KNOLL (Schubert) (12:28):** Thank you, Deputy Speaker. I always try to behave.

**The DEPUTY SPEAKER:** You try but you often fail.

**Mr KNOLL:** Sometimes we fall short of the lofty goals and standards we set ourselves. I love a good mobile food van. Over the last few months during the break, when sitting at home on a weekend looking after the kids while my wife goes out for some precious alone time away from the children, I came across a movie on Netflix called *Chef* which stars John Favreau and Sofia Vergara.

It is a story about a chef who gets fired from his fine dining restaurant who ends up reconnecting with his son and finds himself by starting a mobile food truck in the US, travelling all through the US city by city, sampling and creating sandwiches using the local produce. We are talking about southern fried chicken, smoked meats and all sorts of wonderful things. It really helped him to re-engage his passion in food and ever since that time I have been hooked on the concept.

Food vans are a fantastic new way of operating and presenting food. Certainly it has sparked a level of entrepreneurial spirit that I think is to be commended, but the idea that this piece of legislation helps food vans is wrong. The idea that we need to support innovation with more regulation

is wrong. In my time in this place—and, fair enough, it is only 2½ years—this has to be perhaps the most useless and ill-considered piece of legislation that has been brought before this parliament. I think the member for Kaurna has been listening to too much early nineties rap music, humming along to Warren G and Nate Dogg's *Regulate* as he thinks about new ways to innovate or intervene in our economy.

The central premise here is that somehow government regulation is the answer to businesses succeeding. On this side of the house, we fundamentally disagree with this concept. I was debating last year on radio with the member for Kaurna and we were talking about levels of insecure work within our economy and within our society. He talked about it as though it were some sort of new phenomenon and certainly the internet has helped to burgeon the level of insecure work and people who are working for themselves within our economy.

The idea that we have not had sole traders in home care services or in trades for generations means that those opposite do not understand how our economy is made or how increasingly more and more people are finding work within our economy. The truth is that his ignorance in this area, and the Labor government's ignorance, extends to this piece of legislation. The idea that mobile food trucks are some sort of innovation that just sparked up in the last couple of years is wrong.

In fact, the first mobile food van was actually licensed in 1871 and was drawn by a horse to Victoria Square. At that time, we did not call them mobile food vans; we called them coffee stalls or pie-carts. According to *The Advertiser*, there is some conjecture that the first pie-cart appeared outside the old Bowman Building in King William Street in 1876 but, either way, 1871 or 1876 is when we had the first mobile food van here in Adelaide. To think that somehow this is a new—

**Mr Picton:** Then why don't you support them?

**The DEPUTY SPEAKER:** Order, member for Kaurna!

**Mr Picton:** Why don't you support them?

**The DEPUTY SPEAKER:** Order!

**Mr KNOLL:** Interestingly, through the depression many of these pie-carts and mobile food vans failed and by 1958 only two remained. The reason we should all know that mobile food vans have existed forever is that they have created an iconic South Australian dish called the pie floater. This is a delicacy that is unique to South Australia and was actually recognised by the National Trust of Australia as a South Australian heritage icon.

Interestingly, here is another point that we came across in our research: here we have the Labor Party, which is trying to be the saviours of mobile food vans, yet it was actually the government's tramline extension that caused the Balfours' pie-cart to fail and to close outside the Adelaide Railway Station.

*Mr Picton interjecting:*

**The DEPUTY SPEAKER:** The member for Kaurna is called to order.

**Mr KNOLL:** Interestingly, the last of the old style pie-carts was Cowley's and it closed in October 2010. The National Trust believe this was the longest serving food venue in the state until its closure.

What I find most interesting about this is: why now? If pie-carts and mobile food vans have been able to operate in Adelaide since 1871, why is it that now the Labor government decides that it is time to act? The reason is that they need to look like they are doing something. The hamster wheel needs to look like it is turning. The truth is that, if we go back to the fundamentals of our economy, we are doing extremely poorly when it comes to business growth, population growth and employment growth. We are doing abysmally.

The government comes along with this spurious piece of legislation designed to try to convince people that they are here for small business and entrepreneurs when all they are doing is creating extra legislation and extra regulation. The idea that these two things logically go together is fundamentally wrong. What if the Labor government was actually serious about helping mobile food

vans or helping the entire economy, which I think would probably deliver some better benefits. They could then help to deliver some policy settings that would actually fix some of the issues we have.

Recently, in the last couple of weeks, a figure came out that says that our population growth is only 0.6 per cent compared with 1.4 per cent nationally. The best thing we can do for food trucks in South Australia is to have a growing population, with more people here with more money to spend who are going to need to feed themselves more. That is going to deliver increased demand for mobile food vans.

The second thing we can do is actually tackle our 6.6 per cent in trend terms unemployment rate. If we were to get that unemployment rate down, we would have more people in jobs, more people with disposable income who could go and eat at one of these beautiful food vans. Heaven forbid that while they were eating at some of these mobile food vans they may be able to go and eat at many of the other establishments that exist around South Australia.

In the last few days, I think all of us have had comments from existing operators about the fact that they want us to support this piece of legislation. What they need to decouple is the fact that support for mobile food vans as an industry is served by this bill. Those two things do not go together. The Liberal Party are huge supporters of mobile food vans, but the truth is that none of those people who emailed us needed this piece of legislation to succeed. All of them talked to us about their success stories, and they were exciting. They speak to a potential hope for the future in South Australia, but they did not need this piece of legislation in order to succeed.

What could this Labor government do that would actually deliver real benefits to mobile food vans? First of all, they could look at payroll tax. They could also agree with the Liberal Party and realise that ever-increasing levels of emergency services levy are going to punish small business operators across South Australia. They could look at the cost to all South Australian businesses of council rates or indeed electricity prices, which are the highest in the country in South Australia and would be an input to every single business in South Australia.

If the government really wants to help mobile food vans, it should start fixing some of the fundamentals, instead of coming in here with an ill-considered piece of legislation that does nothing except increase costs across the board. In true Labor style, this is what I believe that they believe business needs; that is, every time private enterprise is out there doing what it does the government believes that government regulation is the answer, that somehow private enterprise cannot do things when left to their own devices and that what they need is an all-seeing and all-knowing bureaucracy to help them on their way.

The most fundamental difficulty I have with this bill is that it does not reduce regulation—it does not reduce regulation. First of all, will a mobile food van have to apply for fewer permits under this bill? No. They will still need to go council by council and get separate permits. Does this bill help to reduce the number of times a mobile food van will have to pay for a permit? No. That still needs to happen council by council. Does this bill mean that they only have to have one food inspection? No. It does provide a method whereby councils can agree, but the truth is that that is not enforced at this stage, at least as I understand it, and so mobile food vans will still have to go council by council, getting a separate food inspection.

All that has happened here is that the Labor government wants to force councils to do redundant work and then force those councils to subsidise one business model over another. That is essentially what is being done here. This bill puts a burden on local government, which may never have had an application for a mobile food van, to actually go out and map its entire council area, make that available to the public and develop a policy in this area.

What that means is that councils are going to have to create more bureaucracy, create more regulation and ask their councils to consider the implications of this bill when they may never even give one application. Within three months, this needs to be done. What happens then if a single mobile food operator comes to that council? That council has done all this work to benefit potentially one business and you do not think that they are going to try to find ways to make sure that that one business pays for the huge amount of work that this bill puts upon them?

It is absolutely disgraceful—absolutely disgraceful and completely ill considered. Instead of waiting for mobile food truck applications to individual councils to dictate where work needs to be done, once again we have a centralised, one-size-fits-all approach that asks every council across South Australia to do a heap of work that they potentially do not need to do. Again, I think this comes back to why this is such an ill-considered piece of legislation. I really want to talk about the fact that, in the regulations that have been given to us, the cap that the regulations sitting under this bill will seek to put on individual councils is fundamentally wrong because this business model comes with some issues.

When a mobile food truck pulls up and parks on the side of the road, it parks on a road that a council is maintaining. When the rubbish that comes from somebody buying a takeaway container from this mobile food van is put into a bin, it is the council that will have to come and pick up the rubbish from that bin. If the customers of the mobile food truck use the amenities, if available, that are within the area where the truck is parked, it is the council that will have to clean those amenities. These are real costs, and these are potentially increased costs directly resulting from this business model.

There are other business models whereby those businesses have to look after those costs themselves. I am fortunate enough to come from a family business that has a heap of businesses of exactly this type where we have to look after our own rubbish collection. We have to look after, in potential circumstances, paying towards the amenities that are provided, and we have to pay council rates that go towards maintaining the infrastructure that exists around the premises that we use.

I am not saying that we should burden private enterprise with a cost that does not exist, but this cost does exist and it does need to be recovered. What I think we should be trying to do here in South Australia is not preferencing one business model over another but helping every single South Australian business to be able to achieve and reducing costs for every single South Australian business. These costs I am talking about will vary from council to council, depending on their individual circumstances. To take away the ability of councils to have the ultimate say in how they will deal with these issues goes to the heart of what is wrong with a centralised, one-size-fits-all approach to government.

I am extremely proud to be the member of a Liberal Party that stands up to oppose nonsense legislation. I am extremely proud to be able to stand up with a party that stands for lower regulation. I am proud to be part of a party that will actually do real things in government to lower the cost of doing business in South Australia as opposed to doing things that makes the hamster wheel turn faster and hoping that South Australians do not notice what is really going on in our economy.

The truth is they do know what is going on because they are the ones who are out there finding it difficult to find a job. They are the ones who are paying their ESL rates or council rates, or paying electricity prices or water prices from these fundamentally overvalued assets. They are the ones at the coalface who are feeling the pain, and what they get from their government—their tired, 14-year-old Labor government—is a piece of legislation that pretends to be something it is not, that pretends to hide what the real situation is and, indeed, is fundamentally one of the reasons why we have an economy in the state it is in.

I would say to those opposite: we are entirely consistent with what it means to be Liberal when we oppose this bill—entirely consistent. The difference is we do not want to look like we are changing our economy for the better: we actually want to change our economy for the better. It is like when this government wants to put out a budget and a tender for advertising to help change the perception of high unemployment in this economy, which is an absolute disgrace and a waste of taxpayers' money.

What we on this side of the house want to do is actually fix the unemployment rate in our economy by doing things that will stimulate real jobs. In order to stimulate those real jobs, we need to lower the cost of doing business for all businesses instead of cherrypicking. I am extremely proud to be opposing this bill, and I am very proud to stand with a party that does exactly the same. If the Labor Party wants to bring back something that will actually help fix the fundamental structure of our economy here in South Australia, I am sure we will take a good look at it and support it. Where they have done it in the past, especially with things like WorkCover, we have been there with them, side-by-side, helping them to do that.

But when we get things like this brought to us, we are going to call it out for what it is, we are going to sell it to the South Australian people for exactly what it is, and we are going to oppose stupid legislation every time it is put forward. I look forward to the continuation of this debate. I am sure this bill is going to pass this house, and I look forward to crossbenchers seeing sense on this issue in the other place and our actually getting on with some sensible work to fix the South Australian economy.

**Ms HILDYARD (Reynell) (12:44):** I rise to wholeheartedly support the member for Kaurna in introducing this bill and to congratulate him on his focus on this issue and his rightly strong support for our food truck vendors. Food trucks have transformed our city, our dining-out culture and so many of our local community festivals and events. They are present at so many of the events that bring our community together. They provide unique eating options that cater for a range of dietary requirements and allow South Australians young and old and visitors to enjoy the best of food in unique environments. For families, they provide a great fast-food alternative in fun and interesting places. I have even had the pleasure recently of going to a friend's 50<sup>th</sup> and a friend's 40<sup>th</sup> and enjoying fare from food trucks at each of those celebrations with, of course, some great South Australian wine.

Our South Australian community has been enriched over many years by our extraordinary food options. As our community has thankfully embraced cultural diversity over numerous decades, we have increasingly also embraced a range of extraordinary food from across the globe. Our state is known and celebrated for our excellent food and, of course, wine, and our food trucks are strengthening our reputation across the globe and providing even more to celebrate, and in doing so creating even more reason to get out with friends and family, to interact and to celebrate family and other occasions.

Food trucks strengthen our community and our cuisine and, importantly, they also provide a unique opportunity for prospective business owners to test their fare on consumers with a relatively low start-up cost. We have an extraordinary entrepreneurial culture growing here in South Australia. With organisations like our New Venture Institute and events like Boss Camp and many others, we are growing a culture where we encourage clever people with a dream to give their dream a go and to bring their dream to reality. This bill is an avenue through which we can help people realise their dreams, and through which we can encourage entrepreneurialism and boost our economy and our reputation as a national and international tourist destination, and a place where the finest and most creative foods are available.

Like many other members in this house, I have received a number of letters from food truck operators who speak of food trucks providing the ability for people to courageously take their first step into business, and each of these vendors, Chimichurri Grill, Delectaballs and others have been highly successful and their letters speak to this success. As well as contributing to our economy as mobile food vendors, many of these entrepreneurs continue on to establish fixed businesses and contribute to the economy in this way.

A couple of years ago, I was absolutely inspired by listening to Dan Mendelson, one of the founders of Burger Theory, at an entrepreneurial youth event. Burger Theory started as a food truck in 2011 and now they have three fixed premises in Adelaide and one in Melbourne, with their truck also still operating. They are now expanding to the Chinese market. Low & Slow American BBQ began as a food truck and in 2016 opened their first fixed business in a Renew Adelaide leased property in Port Adelaide, another great example of a food truck now supporting fixed premises and activation. They have just signed on to a five-year lease. Delectaballs is now branching out to sell packs of their products in local supermarkets in Adelaide, and Jonny's Popcorn, similarly, have expanded their business to supermarket shelves.

Phat Buddha Rolls started as a food truck in 2011 and is now operating as a fixed premises business called Tmor Koul Cambodian Kitchen. Veggie Velo combined with a previous food truck, Smoothie Revolution, to open Juice Lovers Juicery in Regent Arcade. Abbots and Kinney began operating as a cart outside Coffee Branch in Leigh Street and now they have their own store in Pirie Street. Bodri's Hungarian Artisan Bakery began as food truck and is now operating the truck and a cafe in the Adelaide Central Market. Sneaky Pickle began as a food truck in 2011 and now continues to operate the truck as well as establishing a restaurant on Goodwood Road.

Food trucks do not detract from the trade of our bricks and mortar businesses. These mobile food vendors add to it by stimulating extra economic activity which is shown not to impact upon fixed premises businesses. They bring more people to our beautiful South Australian places and spaces and they grow economic and community activity. The Adelaide City Council's own study on the impact of food trucks found that they only take up 0.15 per cent of the Adelaide city market and that there was absolutely no correlation between struggling fixed premises businesses and their proximity to food trucks. Food trucks bring vibrancy and diversity and a welcoming culture to the City of Adelaide and surrounding suburbs, adding a unique element to our community culture.

As was mentioned by the member for Fisher, we have recently seen the phenomenal success of the Fork on the Road food truck events across Adelaide. In the past year, Fork on the Road has also proudly held events at locations including the Wittunga Botanic Garden, Hart's Mill in Port Adelaide, Light Square, Elder Park, Kings Reserve, Park 27B along Park Terrace, Victoria Square and the Morphettville Racecourse. Huge crowds have been attracted to every single event, each showcasing a vast range of food trucks in the one location.

The successes enjoyed by Fork on the Road show that there is a strong demand to see and enjoy food trucks in our state, a demand that absolutely adds to our economy and to our status as a tourist destination. Unfortunately, at present food trucks are hampered in going about their day-to-day business by having to navigate inconsistent and often burdensome rules and requirements across different council areas. Some councils only allow ice-cream vans and others do not allow food trucks at all, and some place caps on the number of food trucks that can trade at a certain time of day.

Councils can tell food trucks when they can and cannot operate their business and they can charge whatever fees they like. This bill rightly, in conjunction with the accompanying regulations, works to create a statewide universal system for food trucks while still recognising the unique role of councils in understanding the best locations where food trucks should operate within a local community. This bill means that councils cannot regulate the type of food sold or be able to prohibit trading at lunchtime. Councils are also subject to a cap in the fees they can charge: an annual fee of \$2,000 and a monthly fee of \$200.

However, the bill and regulations allow councils to retain the power to set location rules. For instance, councils will be able to determine a minimum distance between mobile food vendors and bricks and mortar businesses where they believe the proximity of food trucks might take away from the trade of a fixed premises business. In drafting these rules we are encouraging councils to look at areas where they want to create economic activity or to direct tourism within their region.

For example, if the City of Onkaparinga wanted to promote food trucks in our southern community, which would be an excellent initiative, they would be able to compete to attract vendors by offering a lower fee than the set maximum of \$2,000 a year. They could also encourage vendors, through their location rules, directing vendors to areas that are perhaps away from or unsuitable for a fixed premises business but where food trucks could flourish, adding colour and life to our local community culture.

Perhaps the council might direct vendors to a beach in summer, a stretch of road where fixed food businesses are sparse or to a road near a park that often hosts community events. Certainly, in our southern community the end of Beach Road, near Rotary Park, comes to mind in that regard. This bill allows more consistency and freedom for food trucks to operate their business and contribute to our state's economy and our local communities while still giving councils the power to determine locations. I commend this bill to the house and I again commend the member for Kaurana for bringing it to this place.

**Mr DULUK (Davenport) (12:53):** I was wondering about the genesis of this proposed legislation. Where did it come from? Then I looked at the member for Kaurana who is sitting in the Premier's seat—and he wants to be the Premier. This is his way to show—

**An honourable member:** An audition.

**Mr DULUK:** An audition to show caucus that he has a brilliant idea. The Treasurer has failed in his unemployment-abating measures and the member for Kaurana has gone to the Premier and said, 'If you let me sit in your seat, I'll bring a brilliant bill to parliament and we will have a food truck-led recovery in South Australia.' That is the only reason why I think we have this bit of legislation. Passing

this legislation will not produce one extra food truck. It will do none of that. It will not tell an entrepreneur who wants to start a business that it will make it easier for them per se.

If we pass this legislation today, South Australians are not going to wake up tomorrow and say, 'Right, we can now get a single permit and I'm going to get a food truck happening in the City of Prospect,' or Mitcham or Unley, and all of a sudden we are going to have thousands of new jobs. That has been alluded to in the media and the like, that the deregulating of food trucks will see that. In fact, I dare say it might even have unintended consequences.

I do share the member for Kaurna's support of food trucks and acknowledge that they have an important part to play in our economy. Ultimately, a food truck is a great business that sees people experiment and set up a small business as they like. Contrary to the member for Fisher's comment's, we actually are the party of small business, and being lectured by those opposite about the importance of small business and doing it tough is just phenomenal. I look at all the members on the Labor Party side, and hardly any of them have run a small business or been involved in small business. They are just members of unions.

They even have former Liberal members protecting the SDA in speeches to the house, and suddenly this is under the guise of good legislation. As we all know—certainly as we on this side of the house know—excessive red tape and overregulation are significant barriers to business growth for both existing businesses and new entrants, small businesses in particular being most affected. Complying with red tape and bureaucratic requirements is time consuming and costly, eroding business productivity and negatively affecting financial performance.

With record unemployment, underemployment and low levels of economic growth and, of course, with our population growth stagnating, the government comes up with the idea for food trucks. It does not want to talk about South Australian unemployment being 6.8 per cent as of August 2016, about youth unemployment being at almost 15 per cent and a participation rate of about 62 per cent. It does not want to talk about high unemployment in the southern suburbs. It wants to talk about food trucks.

Of course we have to explore options to help business to operate, grow and create jobs, and certainly improving an often inconsistent and burdensome regulatory environment would be a positive step in achieving this end.

*Mr Picton interjecting:*

**Mr DULUK:** I agree with the Acting Premier over there. Encouraging opportunities for growth and jobs is also critical; indeed, South Australia has long had an entrepreneurial spirit that must be fostered; as the member for Schubert said, the first food truck was in about 1870. We need to support new markets and new entrants, but we have to strike the right balance, like we have to strike the right balance in all that we do in this place. We must balance the interests of existing businesses and new entrants, and if we swing the pendulum too far in one direction we risk undermining our goal—and that is for economic growth and job creation.

Creating an environment that encourages new entrants may potentially cause the exit of many existing businesses and, as I said, this is the unintended consequence. Mobile food vendors should not be discouraged; in fact, they should be supported, and I am a strong proponent of innovation. I believe food trucks enable entrepreneurs not only to enter the hospitality market but also to make a valuable contribution to it.

Whilst I support food trucks, I do not share the member for Reynell's contribution that food trucks strengthen our community. When I am out there in the community, and we talk about our wonderful volunteers and what they do, people certainly do not say, 'Well, I live in a wonderful community because we have fantastic food trucks.' I think that is gilding the lily a little bit too much.

However, food trucks provide vendors with an affordable and flexible setting to test the water if they want to enter this new market. They can test their product ideas without a commitment to costly and long-term leases, they can learn business skills and explore the right business model for them, and extraordinary growth can ensure this can happen. Of course, this has already happened in the food trucks sector. We have seen food trucks enter the South Australian market relatively

unencumbered, and they are growing. There is no evidence that this legislation will increase the number of food trucks.

*Parliamentary Procedure*

**VISITORS**

**The SPEAKER:** Before you consider asking for leave, member for Davenport, I acknowledge the presence in the gallery today of our former esteemed colleague, the former member for Bragg and deputy premier Graham Ingerson, and welcome him to his old alma mater.

*Bills*

**LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL**

*Second Reading*

Debate resumed.

**Mr DULUK (Davenport) (12:59):** I seek leave to conclude my remarks.

Leave granted; debate adjourned.

*Sitting suspended from 12:59 to 14:01.*

*Parliamentary Procedure*

**VISITORS**

**The DEPUTY SPEAKER:** Before I call on the first item of business, I would like to recognise that we have visitors in our gallery today. We have the Riverland Christian School, who are guests of the member for Chaffey. Where are you, Riverland? Welcome to parliament. We have St George College, who are guests of the member for West Torrens. Welcome to parliament. We also welcome the Port Adelaide TAFE, who are guests of the member for Port Adelaide.

*Petitions*

**GLENELG POLICE STATION**

**Dr McFETRIDGE (Morphett):** Presented a petition signed by 159 residents of South Australia requesting the house to urge the government to maintain current levels of police numbers and operating hours at the Glenelg Police Station.

*Parliamentary Procedure*

**ANSWERS TABLED**

**The SPEAKER:** I direct that the written answer to a question be distributed and printed in *Hansard*.

*Ministerial Statement*

**GLOBAL GIG CITY NETWORK**

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:03):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.W. WEATHERILL:** This week, South Australia's status as an international destination for innovation has again been confirmed with the announcement that Adelaide will join the Global Gig City Network. Yesterday, the Minister for Science and Information Economy, the Hon. Kyam Maher, visited the National Press Club in Washington DC to oversee the signing of a memorandum of understanding between South Australia and a representative of the US National Science Foundation's US Ignite initiative.

The US Ignite Gig City Network is a not-for-profit organisation that encourages and promotes the development of applications and services for ultrafast broadband internet. This is a significant



next step in our \$4.65 million investment in establishing Adelaide as Australia's first Gig City. The MOU signed yesterday provides us with international recognition and will drive new opportunities—

*An honourable member interjecting:*

**The Hon. J.W. WEATHERILL:** —well, it was important enough for the ambassador to be there—for South Australian innovators, businesses and researchers to collaborate with 15 other US Ignite communities. The first Global Gig City network was rolled out in the city of Chattanooga in the US and has generated more than \$1 billion in economic and social benefits and created more than 3,000 new jobs.

During the coming months, an affordable gigabit network will be rolled out to Adelaide's innovation hubs at Tonsley, St Paul's Creative Centre, Technology Park, Techport, the Majoran co-working space, Hub Adelaide, the Stretton Centre and the Thebarton BioScience precinct. Adelaide's Gig City network will deliver ultrafast internet speeds of up to 100 times the national average broadband speeds to business and research facilities based within the city's innovation precincts. This is a game-changer for South Australia, and it highlights our status as an emerging high-tech innovative economy.

The MOU with the US Ignite Gig City network complements the significant investment of almost \$80 million of new money delivered in the recent state budget to accelerate South Australia's transformation to a modern, innovative economy that supports jobs for the future. As well as the Gig City project, the significant investment will deliver a \$50 million South Australian venture capital fund and a \$10 million early commercialisation fund, along with the recently announced \$7.5 million for the University of South Australia's Future Industries Institute to maximise and commercialise the benefits of collaboration between researchers and industry.

*Members interjecting:*

**The SPEAKER:** The Premier offered no provocation in the ministerial statement, so interjections are just out of order, leave having been granted. I call to order the members for Chaffey and Hartley and the deputy leader, and I warn the member for Chaffey.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:06):** I seek leave to make ministerial statement.

Leave granted.

**The Hon. J.J. SNELLING:** The legal proceedings about the proper role of the independent certifier and the state's contractual rights came on before the Supreme Court for directions this morning. The government was very pleased with the outcome. Senior counsel of the state, Mr Dick Whittington QC, explained that the independent expert had agreed with the state that he had no jurisdiction to determine the amount of compensation payable to the state. This was the principal issue before the court, and the state was pleased to have its position affirmed.

The state has received permission from the court to now seek additional orders about the independent expert to fully protect the state's contractual rights. The matter is next before the court for further directions in mid-October. As the matter is before the courts, it is not appropriate for me to comment further at this time. As I have previously stated, the government is protected by a strong contract and it will continue to hold SAHP and HYLIC to account in order to protect taxpayers of South Australia.

*Members interjecting:*

**The SPEAKER:** The leader is called to order and so is the member for Schubert. No, he is warned, having a prior offence.

#### *Parliamentary Committees*

#### **ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: REPORT 2015-16**

**Mr HUGHES (Giles) (14:08):** I bring up the report of the committee, entitled Annual Report 2015-16.

Report received.

#### LEGISLATIVE REVIEW COMMITTEE

**Mr ODENWALDER (Little Para) (14:09):** I bring up the 30<sup>th</sup> report of the committee, entitled Subordinate Legislation.

Report received.

#### Question Time

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09):** My question is to the Minister for Health. Considering that the hearing to determine the jurisdiction of the independent expert reviewing claims of defects at the new Royal Adelaide Hospital will now not be held until mid-October, what is the government strategy beyond that to resolve the substantive defect issues that remain outstanding on the project?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:09):** It's important to point out to the house that while this matter is before the courts work continues—

**Ms Chapman:** What? After two ministerial statements, that's incredible. That's a contempt of this parliament.

**The Hon. J.J. SNELLING:** I don't even know what you are talking about. That is the most bizarre interjection I have ever heard in my 20 years in this place. As I was about to say before the Deputy Leader of the Opposition was screeching, while the matter is before the courts it is important to point out to the house that work still continues on the new Royal Adelaide Hospital process, and our normal processes continue, and the defects continue to be rectified.

**The SPEAKER:** Minister, you are not withholding anything from the house under the sub judice rule?

**The Hon. J.J. SNELLING:** Not at the moment because I think the question was essentially: what is happening with regard to rectification of defects? So, what is practically happening is how I interpreted the question, but if the question is asked about the court proceedings, then of course I won't be able to say anymore than what is in the ministerial statement.

*Members interjecting:*

**The SPEAKER:** The member for Unley is called to order and the deputy leader is warned for her outburst.

**Ms CHAPMAN:** Point of order: given your indicative defence, I suppose, for the minister, which he has now adopted as being sub judice, is it going to be your ruling that any further statement by the government on the Supreme Court proceedings in relation to SAHP and the government is not going to be received in this parliament?

**The SPEAKER:** Actually, quite the opposite: I wasn't seeking to give the minister a defence for not sharing information with the house. I take the view, and it's on the record, that in a civil case the sub judice rule doesn't really apply because there is no threat of prejudice from what is said in parliament to the deliberations of a judge. It would be a different matter if it were a jury.

**Ms Chapman:** Thank you, sir. So, how about answering a few questions, Jack?

**The SPEAKER:** The deputy leader is warned a second and final time.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12):** What methodology is the minister and the department going to use to resolve the outstanding defect issues? Is this going to be left to court proceedings, or is there another mechanism in place and, if so, can the minister outline to the house what that mechanism is?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:12):** We're not ruling anything in or out. We are proceeding, obviously, with the court action, but of course we continue to, and we expect the builder to continue to, rectify defects. It is certainly my understanding that the builder continues to rectify defects. The matters continue in the court in parallel with the normal building works.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12):** My question is to the Minister for Health. Considering that the current court proceedings relate to claims of defects and defects only and do not deal with the major default notices, what is the government's strategy for resolving the major default notice issued on 5 April this year?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:13):** The major default notice relates to the defects. That's what a major default notice is.

**Ms Chapman:** How do you know the difference?

**The Hon. J.J. SNELLING:** Well, it's obvious you don't.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13):** Is the minister telling the house that the major default notice and the elements contained within that are identical to the defects that are currently under consideration?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:13):** No, I'm not.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13):** Well, could the minister provide some clarity to his best understanding of the difference between the items contained within the major default notice and the outstanding defects, the seven outstanding defects?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:13):** Obviously, the builder is in default because there has not been technical completion when they had earlier said. There is a cure plan which the builder has submitted, or SAHP has submitted, to the government, which at the moment we are assessing. That cure plan has in it the rectification of the defects, how they propose to do it and how and in what time line they propose to do it. At the moment, the government, of course, is assessing that, as I have previously indicated.

As I have said previously, I'm not going to be making any public statements regarding those dates until I have confidence that that is a date we can rely on. To date, the dates that have been provided to us by SAHP we haven't been able to rely on, but at the moment we are going through the process of having our own independent experts assess that cure plan. In parallel with that, there is obviously also court action happening as the government asserts its rights with regard to the contract. As I said in my ministerial statement, we have a very strong contract and we are determined to ensure that the state's rights with regard to that contract are protected. It is quite simple.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14):** Supplementary: can the minister provide an outline to the house of the difference between a defect and a default under the contract?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:15):** A default is when the contractor, who is party to this contract with the government, SAHP, does not meet their contractual obligations.

*Mr Marshall interjecting:*

**The SPEAKER:** The leader and the minister will cease quarrelling.

**ROYAL ADELAIDE HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15):** My question is to the Minister for Health. Given that the minister's release announcing the first major default notice on 5 April this year said:

The key issue we need to have addressed as soon as possible is for SAHP to provide us with a realistic date for Technical Completion.

What is the current date for technical completion, and what is the earliest possible opening date for the new hospital?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:15):** As I said, if the Leader of the Opposition, instead of just reading his scripted questions provided to him by others—

*Members interjecting:*

**The Hon. J.J. SNELLING:** —if he actually listened to the answers, he might find himself a better performer in the parliament, but unfortunately he cannot deviate from script. He can't change the script, he is so beholden to what is put in front of him. He doesn't change the script when the answer has previously been answered. The man just does not listen to anything that is said in this place, because he cannot deviate from the questions that have been written for him by others.

**An honourable member:** What is the answer?

**The Hon. J.J. SNELLING:** The answer, as I have already said just seconds before, is that I will be in a position to say what date it is when it is a date I have confidence in.

*Members interjecting:*

**The Hon. J.J. SNELLING:** At the moment we have experts who are going through the cure plan. This is a substantial document, and as soon as we have confidence in the dates that have been put up by SAHP, then I will be in a position to say more. But I won't be saying more until I am in a position where I have confidence that the date I am providing to the people of South Australia is one I can rely on. In the meantime, let me point out that taxpayers save approximately \$1 million every day.

*Members interjecting:*

**The Hon. J.J. SNELLING:** One million dollars every day comes off the price of this contract. One million dollars a day that we save goes back to the budget bottom line, because we're not paying it to SAHP. This represents a significant saving to taxpayers every single day that it's late. The entire risk that sits around this project sits with SAHP, it sits with the builder. It does not sit with the taxpayers of South Australia.

**Mr VAN HOLST PELLEKAAN:** Point of order.

**The SPEAKER:** The member for Stuart.

**Mr VAN HOLST PELLEKAAN:** Debate, sir, debate which commenced before any interjections occurred.

**The SPEAKER:** The minister did debate the matter, but then there was a wall of interjections.

*An honourable member interjecting:*

**The SPEAKER:** Indeed. It is best to let the play flow, I think. Leader.

**ROYAL ADELAIDE HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18):** My question is to the Minister for Health. Can the minister confirm that the current court proceedings focus on the jurisdiction of the independent expert, and not, as he asserted in his ministerial statement on 20 September 2016, on the role of the independent certifier, and does he know the difference between the two roles?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:18):** I do. As I said in my ministerial statement—again, the Leader of the Opposition just doesn't listen to what has only been said a matter of five minutes earlier. I quote from my ministerial statement: 'The legal proceedings about the proper role of the independent certifier and the state's contractual rights came before the Supreme Court for directions this morning.' Absolutely, I hold to what I just said five minutes ago, if the Leader of the Opposition bothered to listen or bothered to read.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19):** My question is to the Minister for Health. Has the certificate of occupancy been issued in relation to the new Royal Adelaide Hospital, and if it hasn't, when is it likely to be issued?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:19):** I will double-check, but I imagine that that would happen around the time of technical completion, or at least once we had some certainty around the date of technical completion. I will double-check but, to my knowledge, probably not, because I would expect that that would happen and coincide with technical completion.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19):** Supplementary: can the minister outline to the house what the certificate of occupancy actually means?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:19):** I'm not going to sit here and answer—

*Members interjecting:*

**The SPEAKER:** The minister will be seated.

*Mr Marshall interjecting:*

**The SPEAKER:** The minister will be seated. The leader will leave the chamber for the remainder of question time.

*The honourable member for Dunstan having withdrawn from the chamber:*

**The SPEAKER:** Minister.

**The Hon. J.J. SNELLING:** Mr Speaker, I am not going to waste the parliament's time while the opposition asks dopey questions. If there are technical things they want to know and they want to understand, I am more than happy to arrange a briefing for them.

#### SMALL BUSINESS

**Ms DIGANCE (Elder) (14:20):** My question is to the Treasurer. Can the Treasurer update the house on the small business payroll tax rebate and its impacts on small business?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:20):** Oil on troubled waters, sir. I thank the member for Elder for her question and her keen interest, obviously, in the small business community, given her background in small business. She is a fierce advocate for small businesses within the government.

The government does what it can to listen to business. We consult with businesses, especially our small businesses. They are the backbone of the South Australian economy. It is something that we want to support and promote. That is why we do what we can to listen to those businesses and promote their interests within the government.

In the last state budget, this government extended small business payroll tax rebates for an additional four years. The concession effectively halves the payroll tax rate for businesses with a taxable payroll of less than \$1 million, providing relief of nearly \$9,800. I can inform the house that the first tranche of those rebates have been sent to those small businesses across South Australia.

It is estimated that approximately 2,300 small businesses will benefit from that rebate. This is money directly back into the pockets of small businesses—mum-and-dad businesses, family businesses and everyday people who are doing what they can to go out and create activity within our economy by employing South Australians and taking risks in the economy, trying to help grow South Australia. That is why we are doing what we can to help benefit them. It is important to note that payroll tax measures that this government has put in place since coming to office by the end of this financial year will return nearly \$220 million to South Australia's small businesses.

That is a dramatic return to those businesses, on top of our job accelerator grants which provide a business with a taxable payroll of \$5 million or less a grant of \$10,000 for each new FTE position that they create. That is on top of our nation's leading tax reforms which, of course, abolish non-real property transactional taxes and, by 2018, of course, conveyance duty on all commercial business property will be abolished. We will be the only jurisdiction in Australia not to charge conveyance duty on real and non-real property transactions for businesses. That will incentivise our businesses to transact, grow and transition.

I also note that we, of course, do what we can to consult with businesses about what is best for them. We listen to our businesses. We talk to them. We don't announce from on high what they are going to be subjected to: we go out and talk to them because we are interested in them growing. We want them to create new jobs. What we don't do is listen to small minority lobby groups working for very large businesses, and I will name a few, like Westfield, Coles and Woolworths. What we do is talk to the mums and dads at the coalface.

We are the party of small business. We are the party of tax-free concerns. We will be out there fighting to make sure the mums and dads who want to open their retail outlets on weekends, if they can't compete with the big businesses with their big chequebooks, can make their money to pay their rents and pay their wages and do not have to compete with the multinationals. Because, opposite, is the party of the landlords and the multinationals, and we are the party of small business. We are the party that stands up for the little guy, the little guy trying to go out and get ahead.

**The SPEAKER:** Did you think you were perhaps debating it?

**The Hon. A. KOUTSANTONIS:** Well, sir, that's subjective. I would have thought I am just clearly articulating the government's position—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** —but I would imagine, if I was in a failed opposition for 14 years, yes, I would think it was debate.

**The SPEAKER:** The Treasurer was happily providing us there with information for a long while. I call to order the members for Davenport, Adelaide and Morialta. I warn the members for Schubert and Davenport, and I warn for the second and final time the members for Chaffey, Schubert and Davenport. Member for Adelaide.

#### CHILD PROTECTION

**Ms SANDERSON (Adelaide) (14:25):** My question is to the Minister for Education and Child Development. Has the minister read the Hyde review, completed in October 2014?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:25):** No, I haven't. The Hyde review predates my time as minister. I understand it was a subject of cabinet confidence.

*Members interjecting:*

**The Hon. S.E. CLOSE:** What is important about the Hyde review, as opposed to other—

*Mr Duluk interjecting:*

**The SPEAKER:** The member for Davenport is very close to leaving under the sessional orders, and I wouldn't want to throw him out because it might be thought I was doing it in revenge for Sunday, which I'm not.

**The Hon. S.E. CLOSE:** While the other reports that have been referenced in those lively interjections have been public reports into the system of child protection in its various guises, the Hyde review was in essence an internal investigation of the recruitment practices of the department. The recommendations made by Mr Hyde were acted on and, as Margaret Nyland noted in her report where she deals with this matter, she supports the recruitment processes which we have in place this year. It is most important that we have recruitment processes that the royal commission endorses.

#### CHILD PROTECTION

**Ms SANDERSON (Adelaide) (14:27):** Supplementary: will the minister now read the Hyde review so that she can answer the question of how many of the 49 recommendations made two years ago have been implemented?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:27):** I took the matter of the number of recommendations on notice yesterday and that remains the case. As I have indicated, the royal commission has looked at recruitment processes as of 2016, which benefited from the modifications suggested by Mr Hyde, and she has endorsed those in the royal commission.

#### CHILD PROTECTION

**Ms SANDERSON (Adelaide) (14:27):** My question is again to the Minister for Education and Child Development. Now that it has been two years since the Hyde review was conducted, can the minister update the house on the status of the six Families SA staff who were identified, two as being of high risk and four of very high risk?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:28):** I will take that on notice.

#### CHILD PROTECTION

**Ms SANDERSON (Adelaide) (14:28):** My question again is to the Minister for Education and Child Development. Will the minister now give the undertaking to the house to release the Hyde review to the public, given it has remained a secret for nearly two years?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:28):** The Hyde review, as I mentioned in the answer to the first question, is subject to cabinet confidentiality. I will seek advice on the appropriateness of releasing such a document.

#### INTERNATIONAL STUDENTS

**Mr ODENWALDER (Little Para) (14:28):** My question is to the Minister for Investment and Trade. Minister, how has the government been promoting Adelaide as a study destination to Chinese education agents?

**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) (14:28):** I thank the member for his question because international students are an important part of the state economy. They are over \$1 billion of revenues, employing thousands and thousands of South Australians in small businesses all across the state, because the government is the champion of small business and international students are going into the cafes and going into the restaurants. That's why we hosted a Shandong inbound business mission earlier this month and we organised a China agent familiarisation visit. Education agents—

*Members interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** Listen to them, Mr Speaker. They can't help themselves—rushing off to Woolies, rushing off to Coles. Education agents play a very important role in international student recruitment activity. This generally includes identifying prospective students considering studying in Adelaide. Perhaps we should invite some members opposite to do some study; maybe they would research things better.

It was drawn to my attention that there was an interjection yesterday from the member for Heysen about the need to do more research. I was remembering the amount of research she did while she was milking a cow at the Show before she came out and announced there would be 25,000 public servants losing their jobs, a quarter of the state's workforce. A lot of research there—one on every nipple, 5,000 jobs, 10,000 jobs—

**The SPEAKER:** Point of order, member for Morialta.

**The Hon. M.L.J. HAMILTON-SMITH:** —15,000 jobs.

**Mr GARDNER:** I am struggling to see how the minister is complying with standing order 98.

**The Hon. M.L.J. HAMILTON-SMITH:** Sorry, Mr Speaker, I got carried away.

**The SPEAKER:** Yes, I uphold the point of order.

**Mr Whetstone:** Doing any research on dodgy documents?

**The Hon. M.L.J. HAMILTON-SMITH:** Ask the member for Unley—he knows all about it, if only he would reveal. I got carried away, Mr Speaker.

*Mr Pisoni interjecting:*

**The SPEAKER:** The member for Unley is warned.

**The Hon. M.L.J. HAMILTON-SMITH:** The attendees of this familiarisation visit were some of the key agents recruiting students to study in Australia.

*Members interjecting:*

**The SPEAKER:** The minister appears to be returning to supplying the house with information, so all interjections from this point will be out of order.

**The Hon. M.L.J. HAMILTON-SMITH:** I am really enjoying it, too, Mr Speaker, and thank you for your protection. The attendees of the familiarisation visit were some of the key agents who recruit students to Australia, counsellors from agencies all over China. and I will list a few: EduGlobal and the companies XDF, IDP, IAE, Shinyway, AOJI, A&A, EIC and JJI. These are all important student agent companies based in Jinan, in Qingdao, in Beijing and in Shanghai.

The agents toured our universities and TAFEs, as well as visiting public and private schools and other training providers. I understand they also attended the SA 36ers and Shandong Hi-Speed basketball match and the SA business dinner celebrating the 30<sup>th</sup> anniversary of the relationship between Shandong sister province and South Australia. I know they don't like the China story. They don't like the fact that we are trading with China. They don't seem to support trade and engagement—

**Mr GARDNER:** Point of order.

**The Hon. M.L.J. HAMILTON-SMITH:** —but this is a very important part—

**The SPEAKER:** Point of order by the member for Morialta. The minister will be seated.

**Mr GARDNER:** The opposition has complied by and large with your instruction, but the minister is returning to debate and therefore obstructing the house.

**The SPEAKER:** I uphold the point of order.

**The Hon. M.L.J. HAMILTON-SMITH:** Thank you for your discipline, sir. I will behave myself. In 2015, China was South Australia's largest source of international students, making up 12,711 enrolments, or 40 per cent of our total number of international students, and it is therefore very, very important—

*Mr Knoll interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** The member for the Barossa Valley is off. What website are you on at the moment, member for Schubert? We currently have 30,528 students, up 9.1 per cent from the previous year, with a goal to reach 35,500 students by the end of 2017. These are figures, and I know the opposition don't do any research or statistics.



I don't want to bamboozle them—these are figures—but these Chinese students will be a very important part of our economic story. Who will be the major beneficiaries? Small business, that little restaurant, that little cafe. Of course, they are all open on Sunday in the City of Adelaide, where most of the students are, but of course that will all be swept away if deregulation of shopping hours occurs. Everyone benefits from international students and we are on a roll.

### SCHOOL ABSENTEEISM

**Mr GARDNER (Morialta) (14:33):** My question is to the Minister for Education and Child Development. How is the Department for Education capturing data on truancy or chronic absenteeism in our schools, and how many chronically truant children do we have in our public school system?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:34):** As the member is aware, that data is collected at a school level and managed primarily at a school level, unless the school requests assistance from central office largely in the form of whether or not a prosecution might be prepared. As members may be aware, we have now filed our first prosecution in a number of years, and there are another two cases that we are considering. I will be bringing out into the public for consultation before the end of the year a piece of legislation that will also address chronic absenteeism.

I would like to point out that, as any member who has heard me on the radio will know, I think the absence of prosecutions is a problem for managing chronic truancy because it implies that it is impossible to have a prosecution. In part, we will test that through the cases that are currently under consideration and the one that is already in the court system. We will be able to respond with legislative changes, as I said, with the draft that will be out later this year.

It is also important to bear in mind that there are many ways to deal with chronic truancy. Prosecution is but one and one that will be useful probably only in rare circumstances. In a large part, what is required, and what the department has been doing assiduously in the last several years, is beefing up its capacity to work with families. As we know, truancy is usually an indicator of other things going wrong in the family. Not only does that then lead to child protection considerations explicitly by Families SA but also for the schools.

The work done through the attendance officers and the Aboriginal education workers has been useful and has seen an increase in attendance across the state. Also, some of the 60 wellbeing practitioners have started, and the remainder start at the beginning of term 4. They will be able to work with families in a way that is more productive and considered than has been able to be done to date. We have seen already some good impacts with that kind of work. We will see still more once we have the wellbeing practitioners fully operational.

I expect that the majority of children in the situation of being chronically absent will be able to be addressed through that mechanism. As members are aware, I want to have the clear capacity to prosecute where necessary. I anticipate that the draft bill will also include the capacity for the department to require family care meetings on the basis of chronic absenteeism and also that the department would be able to issue expiation notices in order to push parents along.

There are a number of different responses, bearing in mind that it is fewer than 3 per cent on any given day who are absent without explanation and likely much fewer than that who are chronically absent. We have been improving the measures of attendance across the schools because it is important information for the schools. It is also important at a systemic level to understand not only where there is chronic truancy that probably is an indicator of problems in the family but also casual absence, where parents are not sufficiently valuing kids getting to school every single day.

We do need to make sure that we are consistently sending out the message that every single day of school makes a difference to a kid. There should be no excuses and no, 'Just take a break; it doesn't matter, you can take some time off.' School matters, and we need to be really consistent in that message.

**SCHOOL ABSENTEEISM**

**Mr GARDNER (Morialta) (14:37):** In relation to that answer, in which the minister stated that the data for truancy or chronic absenteeism is not captured at a system-wide level but only at the school level, and then later in the same answer identified that 3 per cent of students are absent without explanation—and this is a figure she has used publicly—is the minister able to identify how the department captures that figure of 3 per cent and what levels of data provision are provided at a central level?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:38):** I will bring back a detailed answer for the member and the house to understand the system. In part, that is because we are improving and changing it at present. While each individual student is only tracked at a school level, and the awareness of how many cumulative days that child has been absent is known at the school level, we do have mechanisms to report through on attendance in schools across the system.

The categories are a little blunt—so, the category of unexplained absence. As a parent, I confess that two or three times in the time my children have been at school I have been asked to provide an explanation, because between my partner and myself we have managed not to remember to tell the school about a medical appointment—

**Mr Gardner:** Will that get you an expiation notice?

**The Hon. S.E. CLOSE:** I hope I won't be subject to an expiation notice; it would sharpen my attention, though, wouldn't it? Making sure that we clear out that kind of noise and to know who is actually in trouble is best done at the school-by-school level, so I am comfortable with that. As we improve the data collection, we will be able to have a much better picture at a system level of chronic absenteeism, albeit that it still ought to be handled largely through the school processes.

**SCHOOL ABSENTEEISM**

**Mr GARDNER (Morialta) (14:39):** Supplementary: what data does the department capture at a broad level? Does the department capture information relating to the number of children absent from school because of illness and, indeed, because of other unexplained absences?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:40):** Yes, and I will make sure that the more detailed answer to the previous question and to this are put into one answer for the house. My memory is that there are very broad categories of explained personal reasons, illness, but I will ensure that that is accurate and provide it to the house. I don't have that entirely clearly in my head.

**SCHOOL ABSENTEEISM**

**Mr GARDNER (Morialta) (14:40):** I refer again to the minister's previous answer in which she identified that there is one case before the courts of a parent being prosecuted and two under consideration. Can the minister please clarify this figure, given that in public she has identified two prosecutions before the courts? Has a case been withdrawn?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:40):** No, it's that one has gone ahead. So, there were two. There are now three altogether; one has gone ahead. We have issued whatever the—

**Mr Gardner:** But only one has gone ahead?

**The Hon. S.E. CLOSE:** One has gone ahead at present, the second one is in the pipeline and the third one has come to our attention.

**SCHOOL ABSENTEEISM**

**Mr GARDNER (Morialta) (14:41):** Given the minister's announcements in March of the government's plans to identify all schools where attendance rates have dropped, how many schools have seen attendance rates drop this year?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:41):** I will have to bring that answer back.

**SCHOOL ABSENTEEISM**

**Mr GARDNER (Morialta) (14:41):** Given the minister's promise in March that the government would identify all schools in which attendance rates for Indigenous students were below 80 per cent, how many schools have attendance rates for Indigenous students below 80 per cent in South Australia?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:41):** Again, I will have to take that on notice; I don't carry that level of information with me in the chamber.

**SCHOOL ABSENTEEISM**

**Mr GARDNER (Morialta) (14:41):** Supplementary: in relation to that answer and the previous answer, does the department in fact have those figures, or is the department undergoing a process of now seeking those figures by writing to all schools to check on their attendance data?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:41):** I will clarify that. I believe that the department does have the data, but I will clarify that we have it for absolutely all schools.

**SCHOOL ABSENTEEISM**

**Mr GARDNER (Morialta) (14:42):** How many of the child wellbeing practitioners, the 60 that were promised to begin this year, are currently in place in South Australian schools?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:42):** I am going to have to take that on notice because I can't—

**An honourable member:** Have there been some?

**The Hon. S.E. CLOSE:** There certainly have been some. The vast majority of them are starting in term 4, which is after our break, which is the school holidays break. I think it's around 10, but I will confirm the number that have already started.

**SCHOOL ABSENTEEISM**

**Mr GARDNER (Morialta) (14:42):** Supplementary: do those child wellbeing practitioners have authority to act under section 72 of the Education Act in relation to truancy matters?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:43):** I will have to confirm whether they have those powers or whether they are able to act on behalf of those who do have those powers.

**SCHOOL ABSENTEEISM**

**Mr GARDNER (Morialta) (14:43):** Supplementary: how many of those attendance officers, better known as truancy officers, who do have the power under the act to undertake duties in relation to truancy, does the department currently employ?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:43):** I will have to refamiliarise myself with those figures. I think it is 22, but I will confirm that is the case. It has certainly been a stable number for a reasonable period of time now, supplemented by the 60 wellbeing practitioners.

**SCHOOL ABSENTEEISM**

**Mr GARDNER (Morialta) (14:43):** A final supplementary: in relation to the minister's promises in relation to truancy and, in particular, the policy announcement in the Friday *Advertiser* a couple of weeks ago, can the minister identify when the government took that decision to seek to increase the fine to \$5,000 and introduce a system of expiation notices, given that when we discussed this matter in estimates the minister suggested that maybe the expiation notices were not going to go ahead?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:44):** I think what I suggested in estimates was that the expiation notices might well form part of a draft piece of legislation but weren't necessarily set in stone because we do want to do consultation on that.

This piece of legislation has been in the pipeline for some time, and all of those features have been part of that. What I am interested in is which are going to be the most effective. My view is that we put them all into the draft piece of legislation and hear back, and also go through the prosecutions that are currently under consideration, or are currently live, and see where we land in order to have the best possible legislative framework for attendance, generally, and specifically for prosecutions.

#### STEM FUNDING

**Mr GRIFFITHS (Goyder) (14:45):** My question is to the Minister for Education and Child Development. Can the minister confirm that all STEM funding announcements for individual schools coming from the 2016-17 budget remain committed to those schools, and is the Moonta Area School to still receive \$3.5 million?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:45):** I know that we are not supposed to ask questions, but I would love to know whether there is a problem with the Moonta Area School that I am unaware of—but, yes, the STEM project has an allocation for each of the schools, and that's publicly available on the website. Clearly, as part of that project, there are a number of expenses that relate to the delivery of that project, but they will get a finalised project that has taken that amount of money to be spent on it.

#### HEALTH SERVICES

**Mr TARZIA (Hartley) (14:46):** My question is to the Minister for Health. Is it still the government's position to establish a dedicated eye hospital under Transforming Health and, if not, where will the eye services that it originally planned to deliver at Modbury Hospital now be provided?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:46):** We are working through that with the ophthalmologists. We are very close, I think, to coming to a resolution that all parties will be satisfied with. I had a meeting with the ophthalmologists only just recently. We are doing a business case around a particular proposal, but I'm very confident we will have this issue sorted. The ophthalmologists are very keen to have a specialist eye area—precinct or hospital. We are working with it. I think it would be in everyone's interests for something like that to proceed. We really just need to make sure that the numbers stack up.

#### REPATRIATION GENERAL HOSPITAL

**Mr TARZIA (Hartley) (14:46):** My question is again to the Minister for Health. Does the minister agree with the ANMF that the Repat Hospital cannot be closed until the new Royal Adelaide Hospital is fully operational as the beds will be needed for the ramping down of the old hospital?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:47):** I think it's a fair comment. Obviously, if we were off the Repat site, and we still hadn't got off the new Royal Adelaide Hospital site, that would certainly present difficulties with ramping down. We would need to find alternative places to put those patients. I wouldn't say it was impossible, but certainly it would present difficulties that we would need to address some other way.

#### AMBULANCE SERVICES

**Mr KNOLL (Schubert) (14:47):** My question is also to the Minister for Health. How many of the 72 ambulance staff and 12 additional ambulances promised under Transforming Health have been established and put on the road?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:47):** I was just on Monday visiting our latest group of paramedic interns, the largest group of interns that I think we have ever had, or at least had in living memory, come

through the training course for paramedic graduates to become ambulance officers—a group of roughly 20, and there will be another intake in about six weeks' time. They were very, very positive and very, very enthusiastic.

I haven't got the exact numbers, but we are making progress, and I was very happy with this large group. I was going to ask a government member to ask a question about it, but the member for Schubert has beaten them to it. It was absolutely fascinating to see this group of interns go through a real-life training exercise. They were dealing with a car—

*Ms Chapman interjecting:*

**The Hon. J.J. SNELLING:** But, no, the answer is at least 20—Deputy Leader of the Opposition—who we have taken in who will go through their intern course. That's the way paramedics get recruited. They have to finish their paramedic degree and then they have to do an internship, so they go out on the road. In the same way doctors go through an internship, the same principle works with paramedics.

*Ms Chapman interjecting:*

**The Hon. J.J. SNELLING:** Obviously, the Deputy Leader of the Opposition doesn't like ambulance officers, doesn't like paramedics, and that's why she is shouting out. She has some ideological opposition to the hard work our paramedics do. Well, I don't.

**Mr GARDNER:** Point of order, sir: 98 and 127.

*Members interjecting:*

**The SPEAKER:** Point of order.

**Mr GARDNER:** And he's obstructing you as well. He doesn't respect your authority, sir: 98 and 127.

**The SPEAKER:** I think 127 is a stretch, but I will uphold 98.

**The Hon. J.J. SNELLING:** At the MFS training area at Angle Park, an area I think the member for Colton is very, very familiar with, having been a former fire, there was a life exercise going on. They were going through an exercise, where a train had hit a car and the trainee, the interns, had to extract the occupant of the vehicle, in conjunction with the MFS, out of the car. There were about 20 interns involved in this exercise, and I was incredibly impressed with the professionalism of these young people in dealing with an exercise like this.

*Mr van Holst Pellekaan interjecting:*

**The Hon. J.J. SNELLING:** The member for Stuart jokes about it; he thinks it's a joking matter.

*Members interjecting:*

**The Hon. J.J. SNELLING:** Well, once again, we see the disdain that the opposition have for our ambulance officers.

**Mr VAN HOLST PELLEKAAN:** Point of order.

**The SPEAKER:** I think the minister has finished, hasn't he?

**The Hon. J.J. SNELLING:** I've got another two minutes. I've got plenty to say.

**The SPEAKER:** The minister will not make personal reflections on members of the opposition.

**Mr VAN HOLST PELLEKAAN:** Thank you, sir. I took offence to that comment. My brother is an ambulance officer.

**The SPEAKER:** Yes, you take offence to a lot of things. Minister.

**The Hon. J.J. SNELLING:** I apologise, Mr Speaker, for ruffling the feathers of the member for Stuart, but if he wants to be Leader of the Opposition he is going to have to toughen up—he is

going to have to toughen up. It's going to take a bit more than that for the member for Stuart, but, Mr Speaker, I digress, I digress, I digress.

**Mr GARDNER:** Point of order: standing order 127. If a member has a personal reflection against them they should bring it to your attention immediately. The minister acted to apologise and then completely undermined the apology in obstruction of the house. There is a process that resolves—

**The SPEAKER:** I uphold all those points of order.

**Mr GARDNER:** —them being named, sir.

**The SPEAKER:** Minister.

**Mr GARDNER:** And if you are upholding them, then the minister should now be named.

**The Hon. J.J. SNELLING:** I was very impressed with the work that was being done by these young interns, not long out of university doing paramedic studies, to see the way they work together to extract a patient (an actor) from a vehicle that was very badly damaged by a train. It was incredible to see the professionalism of this young group. I know the member for Schubert, if he looks it up on my Facebook site, would be able to see the photographs as well and share them with his colleagues.

**The Hon. P. Caica:** He's interested in other sites.

**The Hon. J.J. SNELLING:** There's other sites he's interested in, okay. I know I was very impressed with the work that was being done; it was excellent. We have embarked on a significant recruitment program for new paramedics.

#### **AMBULANCE SERVICES**

**Mr KNOLL (Schubert) (14:52):** Supplementary: can the minister advise how many of these interns have graduated to actually becoming ambulance staff and, if some have, have any of the 12 additional ambulances that have been promised under Transforming Health been procured for them to be able to use?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:52):** We are massively increasing the size of our ambulance service under Transforming Health; however, the paramedics need to do their internship. You can't take university graduates straight out and put them straight on the road.

*Members interjecting:*

**The Hon. J.J. SNELLING:** I know the opposition recycles through leaders and puts them up a bit prematurely, but that's not the way to run an ambulance service. Paramedics need to do their internship and, once they have completed their internship, then yes, of course, they will graduate to being full paramedics and they will be out on the road with their crews. They go out with their crews anyway as interns but just under close supervision.

#### **AMBULANCE SERVICES**

**Mr KNOLL (Schubert) (14:53):** My question is again to the Minister for Health. Has there been a net increase of 12 ambulances to the SA Ambulance Service's fleet since the government began rolling out its Transforming Health plans?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:53):** I will double-check, but let me make something quite clear: there's always been an understanding about the timing of that increase in the size of the ambulance service predicated on changes being made in our hospitals and reconfiguration happening. Once that happens, of course we will continue to expand, but an expansion is underway.

I was just down at the Noarlunga station. The Noarlunga station, as I have previously said, was super-sized—super-sized—because there was additional funding being made available through Transforming Health. So, what was going to be a smaller station was able to be made larger because of the extra funding that this government is putting into our ambulance service because of Transforming Health—and what a spectacular station it is, too, at Noarlunga.

**AMBULANCE SERVICES**

**Mr KNOLL (Schubert) (14:54):** Supplementary: given the minister's answer about there being an expansion and given that ambulance drivers and ambulance transfers are expected to increase under Transforming Health, why has the annual budget for the SA Ambulance Service's vehicle replacement program fallen to the lowest allocation in a decade?

*The Hon. L.W.K. Bignell interjecting:*

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:54):** The member for Mawson points out that paramedics don't like being called ambulance drivers, and quite rightly, because they are not just ambulance drivers. They are paramedics, which is a health profession. You are not merely a driver transferring a patient from one place—

*Mr Knoll interjecting:*

**The Hon. J.J. SNELLING:** Google boy is getting a bit upset. It's good to see Google boy—

**The SPEAKER:** The minister will withdraw and apologise for calling the member for Schubert something other than his electorate name.

**The Hon. J.J. SNELLING:** Mr Speaker, I withdraw and apologise. With regard to the ambulance replacement—

*The Hon. P. Caica interjecting:*

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

**The Hon. J.J. SNELLING:** With regard to ambulance replacement, the issue that we are looking at, the issue we are investigating at the moment, is whether we keep ambulances on the road longer. It is not about decreasing the size of our ambulance fleet.

**AMBUS**

**Mr TRELOAR (Flinders) (14:55):** My question is to the Minister for Health. How many times has the ambus been used to transfer patients since the vehicle was launched in January this year?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:55):** I was just looking at the ambus. It was in the member for Colton's electorate. It has been highly used and has been found to be invaluable—invaluable—by our ambulance service. I will say another thing: when we relocate patients from the old Royal Adelaide Hospital to the new Royal Adelaide Hospital, the ambus will be of great use.

I am particularly surprised that members of parliament who represent regional South Australia would be yelling out and criticising the ambus because having the ambus, when it comes to critical incidents, like bushfires and other incidents where there are mass casualties in rural South Australia, will be unbelievably useful. To be able to take a large number of patients all at the same time and to transfer them to metropolitan hospitals in Adelaide will be incredibly useful, and I am amazed that any member representing rural South Australia would ridicule something that will be of such service to their constituents.

*Ms Cook interjecting:*

**The SPEAKER:** The member for Fisher is called to order.

**AMBUS**

**Mr TRELOAR (Flinders) (14:57):** My question is to the Minister for Health. What is the maximum number of patients that have been transported in the ambus at any one time thus far?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:57):** I am happy to check. That is an operational matter and I am more than happy to get a report back, but this is something which is going to be used into the future. I know that when there were the Sampson Flat bushfires and we had large numbers of casualties with smoke inhalation, they needed to be brought into Adelaide.

We had large numbers of ambulances taken off the road because we had to transfer a large number of patients into hospitals. Ambulances can shuttle patients to the ambus and then be taken as a group into metropolitan Adelaide. I am amazed that the member for Flinders, whose life and those of his constituents may well depend on the ambus, would treat it with such disdain. It is such an important investment.

**Mr GARDNER:** Point of order: through his debating, I have not heard the member for Flinders treat anything with disdain, only to ask questions.

**The SPEAKER:** First of all, I uphold the point of order, and secondly, I warn the member for Morialta for making an impromptu speech. The member for Davenport.

#### AMBUS

**Mr DULUK (Davenport) (14:58):** My question is also to the Minister for Health. Since its inception, has the ambus been used for any emergency callouts?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:58):** I would have to check.

#### AMBUS

**Mr DULUK (Davenport) (14:58):** My question is again to the Minister for Health. Given the constraints of the ambus, particularly in terms of the need to unload patients in the order in which they were loaded, is it feasible to use the bus in an emergency situation?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:59):** The idea is that the ambus and what it is to be used for, as I said previously, is to ferry large numbers of patients where there is a mass casualty-type event, so, for example, the Sampson Flat bushfires where we had to take a large number of ambulances off the road because they were ferrying patients in relatively large numbers from the Mid North or Lower Mid North into metropolitan Adelaide.

They can ridicule it all they want, but the fact is that it will be of enormous assistance in these types of events. There is lots of emergency equipment that most of the time, thankfully, we don't need to use because we don't have frequent natural disasters. But when there is a natural disaster, when there is a mass casualty event, the next time we have an incident with a bus rollover or anything like that, where there are large numbers of casualties—

*Members interjecting:*

**The Hon. J.J. SNELLING:** The opposition laugh, but I take my portfolio incredibly seriously, and I know, and our paramedics know, that this particular piece of equipment will be particularly useful.

#### AMBUS

**Mr DULUK (Davenport) (15:00):** Supplementary: will the ambus meet the height constraints at the new Royal Adelaide Hospital?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:00):** We have dealt with this issue before. The simple fact is we will make it work—

*Members interjecting:*

**The Hon. J.J. SNELLING:** —so that it can do the work that it needs to do. It's always interesting that we are not even halfway through the parliamentary week and the opposition have already run out of questions. How extraordinary that an opposition, barely halfway through the parliamentary sitting week, have already run out of questions. They have to throw to their backbench because they haven't got any serious questions to ask.

**The SPEAKER:** Can the minister come to the nub of the question?

**The Hon. J.J. SNELLING:** They can rubbish the ambus, but I know how useful it is going to be, and our paramedics know how useful it is going to be.



### MENTAL HEALTH SERVICES

**Mr DULUK (Davenport) (15:01):** They will be ramping to the railway and Oval. My next question is to the Minister for Health. On how many occasions in the first half of 2016 was a person forced to wait in a metropolitan emergency department for longer than 24 hours because an inpatient mental health bed was not available?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:01):** ED targets in the mental health area are making significant inroads in the downward territory. I am happy to take that on notice.

### MENTAL HEALTH SERVICES

**Mr DULUK (Davenport) (15:02):** Perhaps this one can be taken on notice as well. For the Minister for Mental Health: since 1 January this year, what is the longest time that a mental health patient has had to spend in any of our emergency departments waiting for a bed?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:02):** I'm surprised the member didn't ask that in estimates, but I am happy to take that on notice.

### PREMIER'S READING CHALLENGE

**Mr TARZIA (Hartley) (15:02):** My question is to the Minister for Education and Child Development. Could the minister please inform the house whether imported medals have been used by the New South Wales company contracted to supply medals for the value of \$710,842 for the Premier's Reading Challenge?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:03):** I can't hear you.

**The SPEAKER:** The medals for the Premier's Reading Challenge.

**The Hon. S.E. CLOSE:** That, I have; I don't understand what the question about them is. I missed the beginning. Sorry, I still can't hear anything.

**The SPEAKER:** Where are they made?

**Mr TARZIA:** I will repeat the question. Could the minister please inform the house whether imported medals have been used by the New South Wales company contracted to supply medals for the value of \$710,842 for the Premier's Reading Challenge?

**The Hon. S.E. CLOSE:** They are imported from New South Wales. You are wondering if they have been imported into New South Wales first, before they come to us. I will find out.

### WALLAROO HOSPITAL

**Mr GRIFFITHS (Goyder) (15:03):** My question is to the Minister for Health. Is the minister aware that the chemotherapy unit at the Wallaroo Hospital was only open on average one day per week, and can the minister provide an update on the efforts being made to progress arrangements for privately insured patients to be able to use the Wallaroo chemotherapy unit?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:04):** We would open according to whatever the clinical need was, I would imagine. If there was a demand for public chemotherapy patients to access it, then we would open it accordingly. With regard to private patients having access to it, I would certainly have no objection to that as a point of principle. I would need to just check whether there was anything else that was stopping us from allowing that to happen. If the member for Goyder wants to communicate with me, I would be more than happy to chase that matter up. It is good to get a decent question from someone who should be much further up on the front bench for the opposition.

**The SPEAKER:** Supplementary.

### WALLAROO HOSPITAL

**Mr GRIFFITHS (Goyder) (15:04):** The reason for the question is that I have asked this of the minister in the past, and that is why I am seeking a progress update on it.

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:04):** I will check.

### MID NORTH FORESTS FUTURE STRATEGY

**Mr PEDERICK (Hammond) (15:04):** My question is to the Minister for Forests. Given that the government has said it will keep the community informed during the assessment process with respect to proposals for the Mid North Forests Future Strategy, can the minister inform the house when information will be released around these proposals?

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:05):** We are beginning that process from today.

### CHILDHOOD IMMUNISATION

**Mr GEE (Napier) (15:05):** My question is to the Minister for Health. What is the importance of immunisation in the light of reports that the Adelaide City Council region has one of the worst vaccination rates in the nation?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:05):** I would like to thank the member for Napier for a very important question. Last Friday, SA Health issued a public notice that a person had contracted measles locally, the third such measles case confirmed last week alone. At the time, our Chief Medical Officer, Professor Paddy Phillips, reminded the community that immunisation provides the best protection against measles. I am told that so far this year there have been eight confirmed measles cases, compared with four cases for all of 2015.

Given this increase in measles cases, I was alarmed by today's page 1 story in *The Advertiser* reporting the Adelaide City Council's poor childhood immunisation rates. As the article points out, by not having adequate vaccination rates our community is vulnerable to outbreaks of disease that would otherwise be completely preventable. Today, we live in a society where the horrors of smallpox are a distant memory and the last locally acquired case of polio was in 1972. These are some of the immeasurable advances of immunisation.

But these advances are not inevitable: they are the result of many decades of hard work and good public policy. That is why we must continue to work to improve vaccination rates. When levels of immunisation in the community are sufficiently high, the risk of specific diseases can fall so low that even those who are too young or too sick to be given a vaccine will not be exposed to it. This communal or herd immunity can save many lives. In the last few years, South Australia has seen great improvements in immunisation rates in regional areas, particularly among Aboriginal children. We have also made it easy to get the flu vaccination by allowing local pharmacists to deliver it.

The fact that today's report says that we have pockets of low childhood immunisation rates in our city where people have good access to vaccinations is, clearly, disappointing. Immunisation is one of the most important medical developments in history and has saved lives around the world. It is a simple and safe way to protect yourself and your children, and safeguard the health of future generations. That is why we can't allow complacency or tinfoil hat theories by some individuals to put the wider community at risk. So, I repeat the message of our Chief Medical Officer and remind people to get vaccinated to ensure that they and their loved ones are protected.

### GREAT WINE CAPITALS

**Mr WHETSTONE (Chaffey) (15:08):** My question is to the Minister for Forests. What was the cost to the state government to join the Great Wine Capitals Network, and does he believe that the Riverland, the state's largest wine grape producing region, can be guaranteed a network to create jobs?

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:08):** I'm not sure why you called me the Minister for Forests—grapes don't grow in the forests—but I will answer it anyway.

**Mr Gardner:** Aren't you the Minister for Forests?

**The Hon. L.W.K. BIGNELL:** Yes, I am. We joined the Great Wine Capitals Global Network, and we are one of nine cities around the world that are in that. If you look at places like San Francisco, they just have Napa Valley. They don't have Sonoma Valley or Anderson Valley: they just have Napa Valley. If you go to Mainz in Germany, they have Rheinhessen, but they don't have Rheingold. These cities have only been allowed to have one wine region to be incorporated.

What we have done with this deal is get all 18 South Australian wine regions under the great wine capital, which is Adelaide. So, we have done a very good deal. It has taken us a while to get there. It was my great pleasure, two weeks ago, to be at the Barossa Wine Show and hand out four of the seven awards that have gone to tourism and wine operators in South Australia. I know that Seppeltsfield picked up two and The Louise picked up one.

It is great that we now have these wine and tourism operators representing Australia at the international wine competition in the global network in Porto, Portugal, in November. The Riverland is just as much a part of Adelaide's Great Wine Capital network as any other of the 18 wine regions in South Australia.

#### *Grievance Debate*

### **MURRAY BRIDGE EVENTS**

**Mr PEDERICK (Hammond) (15:10):** I want to talk today about a couple of events I attended over the most recent weekend, one being the Murray Bridge Show and one being the International Pedal Prix held at Murray Bridge. Both these events are great events for the region and attract tens of thousands of people to the region over the weekend.

I was very privileged to open the 98<sup>th</sup> annual Murray Bridge Show, which is a great show, with livestock, beef cattle and dairy cattle. There is a hen stand and poultry stand, and there are also the indoor exhibits, with cut flowers and floral art, and a fantastic display of wool from throughout the region was also on display. I assisted with the judging of these, and I was also very impressed with the outdoor entries.

There were some classic cars and some vintage cars, and Whitys Earthwork had a display with a drag car and a tractor that had been done up. It looked as though it could work, but it almost looked like a drag tractor, with a 1979 Kenworth and a Detroit motor in it. For anyone who does not understand what a Detroit motor is, it is a two-stroke engine that can make a lot of noise. I was not fortunate enough to be there when it was running, but I classed Whitys Earthwork as the best outdoor exhibit.

As with a lot of these rural shows, there was a show of utilities. Some people have some great imagination and invest a lot of money in their country utes at the show. It is a show that only runs because of the work of volunteers, and I certainly congratulate the committee and the volunteers who put the show together. It is volunteers who put together all our rural shows, and they do great work attracting thousands, and many were there on the Friday night. They had live bands, and the show continued through to Saturday, when I was able to open it.

Also, this year we saw the 20<sup>th</sup> 24-hour event with the human-powered vehicles in Murray Bridge. This was the final round of the UniSA Australian HPV Super Series, and it is the premier human-powered vehicle race in Australia. Races are held throughout the country: there is one at Mount Gambier, one at Loxton, two in Adelaide, one at Busselton and one in Murray Bridge. The ones in Mount Gambier and Busselton are not part of the series. These pedal prix have created interest right across the country.

In Murray Bridge, we had entrants not only from right across South Australia but also from Western Australia, Northern Territory and Victoria. People come to this event, and I believe that we have the perfect site, not just in this state but in the country, for hosting it on a 1.7-kilometre circuit

around Sturt Reserve, with 206 teams, at least 3,200 competitors and many thousands of spectators who make their home at the reserve. There are also over 30 houseboat moorings where people can camp. I was able to utilise a little riverine houseboat, which was a magnificent little place to stay while I was there.

This is just such a great event for so many teams and so many spectators to attend. It pours hundreds of thousands of dollars into the local economy—in fact, many, many hundreds of thousands of dollars. As I said, we see these teams come not just from across South Australia. From my electorate, we had teams from throughout Murray Bridge, as well as teams from Coomandook and Taillem Bend.

I must say that it was great to be involved with the schools my two boys attend; one lad, Mac, was riding for Scotch and Angus was riding for Coomandook, so it was a matter of being a marshal at 2 o'clock in the morning or catering at 6 o'clock at night. It is a great event that is run by a great team under Andrew McLachlan with the Pedal Prix. It also would not happen without the help of so many parents and caregivers who help put on this grand event in Murray Bridge. It really showcases the area and what you can do with a bit of forethought, and I believe it will go on for many years to come.

### PEDAL PRIX

**Ms BEDFORD (Florey) (15:15):** The 2016 Adelaide International Pedal Prix HPV Series finished, as the member for Hammond said, at the beautiful Rural City of Murray Bridge with the 24-hour endurance race. He did omit to say that I was there, I think, this time.

**Mr Pederick:** Sorry, I did omit that.

**Ms BEDFORD:** Normally you don't do that, but there you go. Mayor Brian Lewis was very nice and came up and said hello, and a lot of his councillors were also there.

**Ms BEDFORD:** Over 200 teams competed in what is, as the member for Hammond said, the premier event of the series, and he did go on to tell you a bit about the races; some of them are eight-hour races, some of them are six-hour races, and they help the teams get ready for this one event on the weekend, which is always held in Murray Bridge. The University of South Australia Super Series is a competition where teams race human-powered vehicles on a closed controlled circuit.

There was a new lap formation this year, which cut out a corner at one end and made it slightly longer, and I thought that was terrific and a really good new improvisation. The series consisted of four rounds staged in South Australia, with the extra events, as mentioned, in Busselton and Mount Gambier. Western Australia is beginning to pay a great deal of attention, and plans are progressing for an additional event to be held in New South Wales as early as next year. The Mount Gambier race was the eight-hour event and Busselton, was a six-hour event.

As naming rights sponsors for the series, the University of South Australia has recognised that the series encapsulates many of their core values around education, the development of sustainable communities, healthy lifestyles, communication, team work and research and innovation. It was great to catch up with Vice Chancellor, David Lloyd, and his son, Hugo, at the start of the race. UniSA is to be commended for its foresight in fostering this type of race, and the community links that go with it, and its continuing sponsorship of the event.

Many sponsors, along with UniSA and the City of Murray Bridge, are involved: the District Council of Loxton Waikerie, district councils of Mount Gambier, Grant, and Busselton in WA. Curtin University plays a role, as does the RAC and many more sponsors are listed at [www.pedalprix.com.au](http://www.pedalprix.com.au).

While the usual Aurora and Trisled racing teams led the way, overall there were some very pleasing results for the Florey teams. We can claim a first in category 1, and that team was 45<sup>th</sup> overall, which is an amazing result for the East Para Primary School Crank Crew, with 439 laps. We can also claim the last overall in category 1, with The Heights Quasar completing 146 laps. I can only assume some sort of catastrophic gear or equipment failure contributed to this result.

Every year in what has become a tradition, I deliver Haigh's frogs to all pits for schools in my area prior to the start of the race. These are for the long night hours ahead, when it is cold and miserable towards dawn, which is a real test on so many levels for everybody involved. East Para Primary School won its category. This was the little school that could and did again, for it was placed first last year. We also had the Ardtornish School Ard-Rockets, who came 47<sup>th</sup> overall in their category; The Heights School had several teams; Modbury High have teams in every single category and have been strong promoters of Pedal Prix and supported the WA team there this year.

We had St Paul's College at Gilles Plains, and we also had Valley View Secondary School in for their first time this year, and they finished a very credible 20<sup>th</sup> in their section, and I have taken Endeavour College under my wing because the kids from Good Shepherd Lutheran School go on to Endeavour College. I have just realised, having seen some of the parents and kids this year, that I need to give them frogs as well, so it is a very big day for frogs.

As I walked the course again on Sunday, I was very impressed by the work that goes into this every year. There are innovations at the pits: new timing, new carpets, new chairs, new bikes. It is just amazing what they come up with. The planning that goes into it must be a logistical nightmare of military proportions. Thanks must go to all the team directors and the people involved in every aspect of putting a bike on the track. The fitness people, the catering people, the technical people, teachers and parents and all the students themselves put such commitment and dedication to Pedal Prix, which is now in its 31<sup>st</sup> year.

Thanks also to Andrew McLachlan and his team, all involved in the AIPP Board, the race day team, and dozens of volunteers who make up the Pedal Prix family, especially course announcer Paul and the comms team. Pedal Prix unites students, schools, principals and governing councils, families and supporters with the wider community in an event that truly promotes so many great skills, abilities and attributes that will stand all who participate in good stead throughout their lives.

#### **GOYDER ELECTORATE**

**Mr GRIFFITHS (Goyder) (15:20):** I wish to speak about a couple of issues. The storm that is occurring in South Australia over the next 48 hours has prompted me to talk about one area in particular: storm damage and the impact on coastal communities. I know it affects many, and I appreciate that, but there are some particularly stark visual reminders for me across the Goyder electorate. The one I particularly want to talk about is the Point Turton community, which is just to the west of where the old swimming centre used to be. They suffered significantly during the last two big bad storms.

We now have a prediction of waves approaching 33 feet across many areas, which will be dependent upon wind direction, storm surges and all those sorts of things. I just want to relay to the house some conversations I have had with property owners down there about the impact of the storms since May this year. There has been significant degradation of the fore dune area, which was probably around 20 feet high. We now have a situation involving those 15 or so properties along there. They have not had to be evacuated but there is a significant level of risk attached to the preservation of the properties. Today and tomorrow are going to represent another challenge for them.

Those communities received a bit of media coverage because they are concerned about who pays for it. Minister Hunter has said that it is not a state responsibility. Yorke Peninsula Council was contacted about that and it is not their responsibility. As I understand it, Yorke Peninsula Council has agreed to support the property owners in that area who are going to be required, once development approval is in place, to put up significant foreshore protection works at a cost of about \$650,000. The council has agreed to borrow those funds and the property owners will pay for that over a period of years.

Not all property owners agree with that, which creates a challenge about financial commitments and who will ensure the ongoing council loan debts are being met. I have written to minister Hunter at the request of the property owners to raise the issue of whether several of the reserves that exist between a few of the properties could become a different land use and built on in the future, or amalgamated into adjoining properties at a sale transaction. Those proceeds could

then go towards the work required to protect the whole length, including the crown area that runs along the front and between some of the properties.

It is a challenge not just for Point Turton but for many communities. As part of the Environment, Resources and Development Committee work that I have done, I have visited Adelaide beaches and been briefed about the storm situation, the existing sand replenishment programs and whether they are right or wrong. There are a variety of opinions on that. Storm damage, no matter where you are, is significant for coastal areas in particular and for some of the beautiful areas that I represent. It will be a challenge for them in the coming days. Fingers crossed that the weather map does not impact on people as much as it might.

The other matter I want to speak about is in relation to local government and the change of a council name. Many people would be aware of Mallala council. Last Thursday evening, the minister and I attended a function and were given the opportunity to speak, and I learned they had changed the name to Adelaide Plains Council. I fully support this move, and I actually think it should have occurred 10 years ago to try to rebuild the relationship. There is and has been some tension between the communities that make up the Mallala district council. The new CEO, Mr James Miller, is an exceptional young man, and those who have met James—

**The Hon. L.A. Vlahos:** A stabilising force.

**Mr GRIFFITHS:** Absolutely, and he has given them a sounding board in order to create a new image for themselves and project themselves as a community that wants to do good things across the area. There have been tensions within the elected member groups in the past, and I think anyone who has met with them would understand that. Mayor Tony Flaherty confirmed last Thursday that they were working collaboratively and with one focus. They recognise that no matter where the property owners reside or where they visit from, they are focused on making things better for the Adelaide Plains community.

Having dealt with them on the 25 November Pinery fires, these are resilient people who just want to get on with the job. The name change is more than just cosmetic. I believe there is a real attitudinal change within to ensure they get good outcomes from this. There was a significant gathering that occurred at Two Wells. Unfortunately, the minister (the member for Taylor) was unable to be there, but her apology was noted. I can assure you that there is a focus now on making sure that the Adelaide Plains Council is not just alphabetically listed at the top of the list but, in practical ways and in what it achieves, it is recognised as doing good things.

### **CARLTON AND UNITED BREWERIES**

**The Hon. S.W. KEY (Ashford) (15:25):** People who know me well would know that I do not really have very much interest in beer or cider and that I have to be very serious to get excited about football, although I do barrack for Port Power, which I know is a disappointment to some. However, most of us in here understand why I support Port Power.

When I read news reports about industrial disputes with regard to beer, I thought, 'Oh well, that's really terrible.' I have had some experience as an organiser or industrial officer in representing workers who have worked in our local breweries in South Australia, so I have some understanding of the area. I was a bit shocked to read that the entire maintenance crew at Carlton and United Breweries had been sacked and then invited to reapply for their old jobs on individual contracts with a 65 per cent wage cut. I thought, 'Well, this is certainly a bad omen.'

I decided to do a little bit more research on Carlton and United Breweries. I then found in subsequent news items that non-union labour had been bussed through a picket line because these maintenance workers were not prepared to take a 65 per cent wage cut. Other workers, the forklift drivers, then walked off the job because the wage negotiations they had been involved in resulted in an offer of a three-year wage freeze, so this obviously did not go down very well with them.

Other media reports say that this ongoing dispute at the Carlton and United Breweries plant was exacerbated by the fact that the enterprise bargaining agreement that was being considered had actually been voted on by three casual workers in Perth two years ago. The reports say that the enterprise agreement was brought in by the brewery's new maintenance labour contractor,

Programmed Skilled, which is based in Western Australia, and the enterprise agreement was struck under the name of a subsidiary called Catalyst Recruitment.

I have had the opportunity to negotiate a number of enterprise agreements in my time, as have other people in this place. As a union official, usually you have a vote amongst the workers concerned to find out whether they support the proposal that is being put up and then make any amendments to reflect the consultation you have with your members. As I said, these three workers were in Western Australia and they apparently signed this agreement on behalf of workers throughout Australia who are covered by the brewery area.

These three people are reported to be casual workers, one of whom had been employed for six days not by Carlton and United Breweries but by a third party, which was a labour contractor. This particular young man is reported, certainly in ABC and *The Age* media reports, as saying that he did not know what the company was that he was signing an agreement for. This is the quote: 'It's pretty blurry. I didn't really know much about it. I just signed it because they asked me to do it.'

The story gets worse. The Catalyst Services Enterprise Agreement 2014 has the scope for covering jobs in manufacturing and associated industries, building and construction, joinery and building trades, electrical and communication fields, mining, and many more. It is also applicable across all states in Australia.

The story goes on to say that this so-called agreement was approved by the Fair Work Commission and tabled before the commission. It actually stated that it would cover three workers, that three casual workers had voted on it and that it had been negotiated on that basis. The Fair Work Commission still did not seem to have a problem with it.

Time expired.

#### **FLAGSTAFF HILL PRIMARY SCHOOL AND FOOTBALL CLUB**

**Mr DULUK (Davenport) (15:30):** I rise today to congratulate the Flagstaff Hill Primary School and the Flagstaff Hill Football Club on their outstanding results in their respective football competitions this season.

The Flagstaff Hill Primary School year 6/7 football team won the South Australian School Football Association Premiers Cup in August. This is a fantastic result, and a testament to the hard work and dedication to school football by coaches Michael Cermak and Richard Roberts, and coordinators Leanne Hackett and Kathy Burbridge. I would also like to congratulate the players, their parents, and the teachers who all made a wonderful contribution to the team's success.

The Premiers Cup is the leading Saturday morning football competition for all public schools in metropolitan Adelaide. To win the Premiers Cup, Flagstaff Hill Primary School first won the West Adelaide Lightning Carnival against the top four teams from the area, then successfully contested the knockout games against two of the top eight teams across the state to reach the final. Their grand-final victory over Fulham North Primary School established Flagstaff Hill Primary School as the best public football team in metropolitan Adelaide. Beyond winning, an absolute highlight of the grand final was playing at Adelaide Oval. The young footballers had the opportunity to walk on that hallowed turf. It was an exciting opportunity for the team, and a fantastic experience to play in front of so many people, as they did.

It has also been a big year for the Flagstaff Hill Football Club, who were the successful Premiers of the 2016 Southern Football League association. It has been 31 years since the club has tasted ultimate success in the A grade competition. I would particularly like to acknowledge the winning captain and W.H. Warren medallist for Best on Ground, Michael Shearer, and coach Rodney Mitchell. The club's C grade and under-14s also enjoyed premiership success this year. It is an important reminder that junior and lower grade teams are the backbone of any strong footy club.

It takes many people, many hours, and a good culture to win grand finals. Congratulations to the players, coaches, officials, volunteers and supporters who have played such a tremendous part in seeing the great results at the Flagstaff Hill Football Club this year, which also won Best Club of the Year in the SFL.

The good culture of a sporting club starts at the top, and through President Brett Charlesworth the Flagstaff Hill Football Club has created a wonderful culture based on hard work, teamwork and dedicated volunteers who have steered the club in the right direction. Grassroots sport is integral, not just for local communities but for the health and vibrancy of our state. Suburban clubs provide a hub for the local community and a place to make friends, learn new skills, be engaged, and, most notably, participate—which we all need to do.

In an alarming trend, participation levels are in decline when it comes to community sport. The recent report card released by the Australian Institute of Health and Welfare, titled *Australia's health 2016*, found that in 2014-15, almost half of all adults aged 18 to 64 were inactive, or insufficiently active, and the proportion of overweight or obese adults has increased from 56 per cent to 63 per cent between 1995 and 2014-15.

Indeed, the 2016 state budget estimates that only 36.8 per cent of South Australian adults were at a healthy weight in the years 2015-16, and nearly a quarter of South Australians aged between five to 17 years of age are considered to be at an unhealthy weight. This figure highlights the importance of local sports clubs: to promote an active and healthy lifestyle, and engage the entire community—mums, dads, friends, families, young and old. But investment in local infrastructure is also critical.

That is why I am pleased that the Flagstaff Hill Community Centre will receive a much needed upgrade following the federal Coalition government's \$400,000 commitment to this project. The community centre is home to the Flagstaff Hill Cricket Club, football club and tennis club, as well as the Southern Hills Little Athletics, the Happy Valley Netball Club, Fitness@Flagstaff and, of course, the Rotary Club of Flagstaff Hill.

The upgrade will help encourage the next generation of premiership heroes to pull on their boots, entice local residents to pick up a racquet, join their netball club, or sign up their children to Little Athletics. I would like to congratulate the many volunteers and club patrons committed to this project. The upgrade is a testament to their hard work and commitment to their local community.

### SERVICE CLUBS

**The Hon. A. PICCOLO (Light) (15:35):** Today, I would like to talk about a group of volunteers in our community, not only in my electorate but also right across the state. These are the volunteers who belong to some sort of service club in their local community. This year, the Association of Community Service Organisations, under the leadership of Kath Gribble from the Barossa Valley, will be celebrating Service Club Week between 9 and 15 October.

During that week, there will be a number of events to promote the activities of service clubs across the state, including the Premier's Awards presentation luncheon, where a number of awards are given for outstanding service by people involved in service clubs. This year, the association is promoting service clubs by asking people to join a service club and make a difference. Certainly, service club members and the clubs themselves make a difference to individual communities, certainly in my own. I should state at the outset that I am a member of the Lions Club of Gawler.

In the remaining time, I would like to cover the service clubs in my community. I am very fortunate that my community is enriched by the activities of service clubs, and there are quite a few of them. In no particular order, I would like to acknowledge the Kiwanis Club of Gawler, a service club which carries out a number of projects to raise funds to assist the community, particularly through serving the children of the world. The Gawler club sponsors the Terrific Kids program amongst others.

Their sister organisation in the electorate, the Kiwanis Club of Roseworthy-Hewett, which was chartered in 2011, exists to serve children. This year, the club's major project was providing shoeboxes filled with items, such as toys, for the Samaritan's Purse organisation. Another service club is the Freemasons. The Lodge of Fidelity No. 5 is in my electorate. They raise funds to do two major things: one is to support homes for the aged, and the second one, which I have a lot of interest in, supports the Freemasons Foundation Centre for Men's Health at the University of Adelaide. The University of Adelaide undertakes quite a bit of research through funds provided by the Freemasons centre.



The Lions Club of Angle Vale is the daughter club of the Lions Club of Paralowie. It was chartered in 2014. Since it was chartered, they have provided services such as vision and health screening, building parks, awarding scholarships and so forth. My own club, the Lions Club of Gawler, is involved in many activities, including assisting Gawler Care and Share, the Gawler Hospital cancer unit, the Gawler Cancer Council and many others. They raise most of their funds through the weekend market.

The Country Women's Association of Gawler contributes to the community by assisting at local events, such as the Christmas carols in Pioneer Park, Australia and ANZAC Day breakfasts, as well as organising the International Women's Day Breakfast. Their sister organisation, which is a new CWA group in Gawler, is called the Bottlebrush Ladies. Essentially, it is a country women's association, but it is a night-time group, rather than a daytime group. By having evening meetings, it enables women who work or who have other commitments during the day to participate in community work.

The Rotary Club of Gawler Light participates in numerous local projects, including Carols by Candlelight, the Christmas display at APEX Park, providing literacy grants and supporting Rotary Readers and local charities. The Rotary Club of Gawler, the older of the two Rotary clubs, was chartered in 1954. Over that time, they have raised over \$1 million to contribute to community projects. The Apex Club of Gawler is a community organisation with a strong focus on raising funds through catering. The club routinely travels to various outback venues to cater for events, but all those moneys are channelled into community projects.

The VIEW Club of Gawler is a community service organisation, affiliated with The Smith Family, helping disadvantaged children throughout Australia. VIEW stands for Voice, Interests and Education of Women, and they provide a valuable service in raising funds to support young adults and young children with their education through The Smith Family. They do some really great work.

Last, but not least, is the Zonta Club of Gawler. The Zonta Club of Gawler was chartered in 1993. Its members work together in order to advance the status of women through service and advocacy. They also undertake activities in terms of the International Day of Women. As we can see, the service clubs in our community do really enrich the lives of many.

*Personal Explanation*

**WALLAROO HOSPITAL**

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:40):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. J.J. SNELLING:** Today, in question time the member for Goyder asked me a question regarding the chemotherapy unit in Wallaroo Hospital, and particularly asked me about the numbers of days it was open and whether consideration had been given to making that chemotherapy unit available for private patients. He then followed that up by asserting that I had not replied to a letter he had sent me. I have in my possession a letter, dated 26 August, addressed to the member for Goyder and I table that letter.

**WALLAROO HOSPITAL**

**Mr GRIFFITHS (Goyder) (15:41):** I seek leave to make a personal explanation.

Leave granted.

**Mr GRIFFITHS:** Minister, I am aware that I have written to you and I am aware you have replied. My supplementary to you was that I have asked you this question in this place in the past also.

**The DEPUTY SPEAKER:** Perhaps we will leave it at that and the members can discuss that elsewhere.

*Bills***GENE TECHNOLOGY (MISCELLANEOUS) AMENDMENT BILL***Introduction and First Reading*

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:42):** Obtained leave and introduced a bill for an act to amend the Gene Technology Act 2001. Read a first time.

*Second Reading*

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:43):** I move:

That this bill be now read a second time.

In 2011, the commonwealth Gene Technology Act 2000 was reviewed and 16 recommendations were presented to ministers at the Gene Technology Forum. Of these recommendations, 14 were supported or supported in principle. These fall within three main categories: modifications to the operations of the Office of the Gene Technology Regulator; minor technical, administrative and consequential amendments; and other technical amendments.

In August 2015, the commonwealth Gene Technology Amendment Bill 2015 was passed without amendment by the House of Representatives and the Senate and came into force on 10 March 2016. This commonwealth bill encompasses five minor technical, administrative and consequential amendments that have no or minimal impact on the technical operation of the act. South Australia is a signatory to the National Gene Technology Agreement. The agreement is an intergovernmental agreement which sets out the understanding between commonwealth, state and territory governments to establish a nationally consistent regulatory scheme.

This agreement ultimately aims to ensure a national fulfilment of the principles of the gene technology legislation, that is, to protect the health and safety of people and to protect the environment. This is achieved by identifying risks posed by or as a result of gene technology and by managing those risks through regulation or certain dealings which include the manipulation, storage, transfer or disposal of genetically modified organisms. The bill before the house will bring the South Australian Gene Technology Act 2001 into alignment with the commonwealth legislation. These changes will have minimal impact on the operation of the gene technology activities within South Australia.

I commend the bill to members and seek leave to have the explanation of clauses incorporated in *Hansard* without my reading it.

Leave granted.

*Explanation of Clauses*

## Part 1—Preliminary

## 1—Short title

## 2—Amendment provisions

These clauses are formal. There being no commencement clause, the measure will commence operation on the day on which it is assented to by the Governor.

Part 2—Amendment of *Gene Technology Act 2001*

## 3—Amendment of section 10—Definitions

This proposed amendment to the definition of *Record* is consequential on the decision to remove information about genetically modified (GM) products authorised by other agencies from the Record of GMO and GM Product Dealings maintained by the Gene Technology Regulator (the *Regulator*).

## 4—Amendment of section 30—Independence of the Regulator

This is a technical amendment that does not alter the substance of the provision but simply clarifies the ambiguous wording of a phrase in section 30(a) of the principal Act.

## 5—Amendment of section 46A—Division does not apply to an application relating to inadvertent dealings

6—Amendment of section 49—Division does not apply to an application relating to inadvertent dealings

The inadvertent dealings provisions of the principal Act allow the Regulator to promptly authorise the disposal of a GMO which has inadvertently come into someone's possession. The amendments proposed in clauses 5 and 6 would remove doubt as to the dealings which may be authorised for purposes relating to disposing of a GMO.

7—Amendment of section 52—Public notification of risk assessment and risk management plan

The Regulator is required to consult the public on risk assessment and risk management plans prepared for DIR licence application assessments. The first proposed amendment to section 52 would allow the Regulator to decide the most appropriate newspaper(s) given the geographic area in which the dealings proposed to be authorised by the licence may occur in which the consultation notice must be published. The second proposed amendment would omit '(if any)' from section 52(1)(c) to clarify that the Regulator does have a website on which notices must be published.

8—Amendment of section 71—Variation of licence

This proposed amendment would modify 1 of the restrictions to broaden the information which may be taken into account by the Regulator when assessing variation applications from licence holders.

9—Amendment of section 74—Notifiable low risk dealings

This is a technical amendment.

10—Amendment of section 117—Simplified outline

This proposed amendment is consequential on the decision to remove information about GM products authorised by other agencies from the Record.

11—Amendment of section 136—Annual report

This proposed amendment would amend section 136 (Annual Report) to require that the information previously included in quarterly reports be included in annual reports. Public accountability and transparency of the regulatory system is maintained by public reporting on GMO licences issued, breaches of GMO licence conditions, emergency dealing determinations made, breaches of conditions of emergency dealing determinations, and auditing and monitoring of dealings with GMOs by the Regulator.

12—Repeal of section 136A

This proposed amendment would repeal requirements that the Regulator prepare quarterly reports and provide them to the responsible Minister, and that the Minister table the reports in the Parliament, and is related to the amendment proposed to section 136.

13—Amendment of heading to Part 9 Division 6

This proposed amendment is consequential.

Schedule 1—Transitional provisions

The Schedule contains the transitional provisions that relate to the amendments proposed by this measure.

Debate adjourned on motion of Mr Griffiths.

## STATUTES AMENDMENT (COURTS AND JUSTICE MEASURES) BILL

### *Introduction and First Reading*

**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) (15:45):** Obtained leave and introduced a bill for an act to amend the Bail Act 1985, the Criminal Law Consolidation Act 1935, the Cross-border Justice Act 2009, the Evidence Act 1929, the Legislation Revision and Publication Act 2002, the Solicitor-General Act 1972, the Summary Procedure Act 1921, the Young Offenders Act 1993 and the Youth Court Act 1993. Read a first time.

### *Second Reading*

**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) (15:46):** I move:

That this bill now be read a second time.

This bill makes various amendments to create efficiencies within the justice system and also to fix some minor errors, omissions and technical deficiencies identified in legislation. Tantalisingly, I seek leave to insert the remainder of my second reading speech in *Hansard* without my reading it.

Leave granted.

This Bill makes various amendments to create efficiencies within the justice system, and also to fix some minor errors, omissions and technical deficiencies identified in legislation.

The Bill amends s 6(3) of the *Bail Act 1985* regarding the witnessing of court documents. There are efficiencies for a court to widen the class of eligible persons who can witness some formal court documents. At present, bail documents, including those signed by guarantors and bonds, are witnessed by Justices of the Peace. Section 6(3) of the *Bail Act 1985* sets out who a bail agreement must be made before: a justice; certain police officers, a person who is in charge of a prison or any other person or class of person specified by the bail authority. Technically, the Magistrate as a bail authority may specify that any Registrar or Deputy Registrar may witness the bail agreement. However, it would be simpler and more efficient if a Registrar or Deputy Registrar was specified in s 6(3) as a suitable person. The Chief Magistrate supports this change.

The Bill seeks to promote court flexibility. It amends the *Criminal Law Consolidation Act 1935* ('CLCA') and the *Evidence Act 1929* to clarify and extend, where an accused person is in custody, the permissible use of audio visual link or audio link. This change is supported by the Chief Justice and the Chief Magistrate. The Bill provides the court with a suitable discretion to determine the use of audio visual link and/or audio link in lieu of a defendant's personal appearance where a defendant is in custody. The Bill extends the court's discretion to allow any appearance by way of an audio visual link or audio link. It includes the qualification that if it is the defendant's first appearance in custody in connection with the relevant charges, the court must take into account in deciding if the defendant should personally appear, whether or not the defendant is legally represented or has had the opportunity to obtain legal advice.

The Bill ensures consistency with the *Bail Act 1985* or any other specific Act or court Rules that the general power in the revised s 59IQ of the *Evidence Act 1929* for the use of the audio visual or audio link is subject to the specific provisions of any other Act or Rules.

The Bill amends s 361 of the CLCA for appearance on appeals to give the courts rule making powers to provide that a party who is in custody may be taken to appear at an appeal or linked hearing (such as seeking leave to appeal) by personal appearance, audio visual link or audio link. The amendment also gives the Full Court a power to dispense with any appearance by a party in custody if the court thinks there is good reason to do so.

The Bill makes minor amendments to the *Legislation Revision and Publication Act 2002* to recognise electronic publishing. The intention is to 'future proof' procedure to ensure that the Government can move to fully electronic publishing if it wants to in the future. Other jurisdictions have already moved away from traditional hard copy publishing. This item was requested by Parliamentary Counsel.

The Bill remedies an omission in the current s 13B of the *Evidence Act* that prevents the cross-examination of certain vulnerable victims by legally unrepresented accused. The Bill extends the scope of s 13B to prevent the cross examination by an unrepresented accused of the vulnerable victim under s 13B in any other proceedings regarding that victim. The restriction is of general application. It is not confined to a linked proceeding. Such personal cross examination may well be abusive and inappropriate.

The Bill addresses a further omission in s 13B of the *Evidence Act*. The current restrictions preventing an unrepresented accused from personally cross-examining a victim in s 13B extend to 'a serious offence against the person'; an aggravated assault under s 20 of the CLCA where the aggravating circumstances of the offence are the circumstances referred to in s 5AA(1)(g) of that Act; an offence of contravening or failing to comply with an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009* or an offence of contravening or failing to comply with a restraining order under the *Summary Procedure Act 1921*. Yet recklessly or intentionally causing harm under s 24 of the CLCA is omitted. There is no logical reason for this omission. The Bill extends the restriction upon personal cross-examination to recklessly or intentionally causing harm under s 24.

A Solicitor-General is currently appointed for life until the retirement age of 65. This does not accord with the position in most other Australian jurisdictions. The Bill amends the *Solicitor-General Act 1972* (with a consequential amendment to the *Judges' Pensions Act 1971*) to remove the existing age of retirement of 65 for the Solicitor-General and to increase it to 70, consistent with that of judges. The Bill includes provision for the appointment of the Solicitor-General for a fixed period of ten years with a power of reappointment (consistent with the models in NSW and Tasmania). The period of ten years fits closest to the existing scheme for judicial pensions under the *Judges' Pensions Act 1971*. A Solicitor-General cannot be appointed beyond the age of 70.

The Bill makes various amendments arising from recent changes to Youth Court and youth justice procedures.

The Bill proposes to delete s 10(9) of the *Youth Court 1993*, which is to be inserted by the *Statutes Amendment (Youth Court) Act 2016* (not yet commenced). Section 10(9) of the *Youth Court Act 1993* would provide that: 'The Judge of the Court is responsible to the Chief Judge of the District Court for the proper and efficient discharge of his or her duties under this Act and the *District Court Act 1991*.' This provision is no longer necessary.

The Bill amends the *Cross-border Justice Act 2009*, the *Summary Procedure Act 1921* and the *Young Offenders Act 1993*. All three changes relate to the *Youth Justice Administration Act 2016*, which has not yet commenced. Section 7(1) of the *Cross-border Justice Act 2009* contains a definition of detention centre which refers to a 'training centre established by the Minister under section 36 of the *Family and Community Services Act 1972*'. This definition needs to be updated to refer to s 21 of the *Youth Justice Administration Act 2016*. Section 184 of the *Summary Procedure Act 1921* provides scope for a person to be transferred from a prison to a training centre where certain criteria are met and an application is made by 'the person or the chief executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Family and Community Services Act 1972*'. This needs to be updated to refer to the chief executive responsible for the *Youth Justice Administration Act 2016*. Section 40 of the *Young Offenders Act 1993* relates to leave of absence from a training centre, and needs to be repealed when the *Youth Justice Administration Act 2016* commences. Leave of absence will be dealt with, instead, by section 34 of the *Youth Justice Administration Act 2016*.

I commend the Bill to the House.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Bail Act 1985*

###### 4—Amendment of section 6—Nature of bail agreement

This amendment extends the persons who may witness a bail agreement to include a registrar or deputy registrar of a court.

###### 5—Amendment of section 7—Guarantee of bail

This amendment extends the persons who may witness a guarantee of bail to include a registrar or deputy registrar of a court.

##### Part 3—Amendment of *Criminal Law Consolidation Act 1935*

###### 6—Substitution of section 361

This clause substitutes a new section 361 which relates to the presence of an appellant or respondent on the hearing of an appeal.

###### 361—Presence of appellant or respondent on hearing of appeal

The proposed new section provides that the Supreme Court may make rules in relation to the presence in court of an appellant or respondent who is in custody at the time of the hearing of an appeal, or the hearing of an application for permission to appeal or any preliminary or incidental proceedings to an appeal. The rules may provide that such an appellant or respondent may not be present, or that the presence of the appellant or respondent be in person, or by an audio visual link or audio link. The provision further provides that the Full Court may, despite any rules to the contrary, proceed with the hearing of an appeal, an application for an appeal or any preliminary or incidental proceedings to an appeal, in the absence of an appellant or respondent if it considers that there is good reason to do so.

##### Part 4—Amendment of *Cross-border Justice Act 2009*

###### 7—Amendment of section 7—Interpretation

This amendment is consequential on the passing of the new *Youth Justice Administration Act 2016*. It amends the definition of a detention centre to include a reference to a training centre established by the Minister under section 21 of that Act.

##### Part 5—Amendment of *Evidence Act 1929*

###### 8—Amendment of section 13B—Cross-examination of certain witnesses

This clause amends section 13B to clarify that the prohibition on a victim being cross-examined by a defendant in a criminal trial unless the cross-examination is by counsel, extends to any criminal trial, whether or not it is related to the offence.

###### 9—Amendment of section 59IQ—Appearance etc by audio visual link or audio link

This clause amends section 59IQ to provide that if a defendant is in custody prior to trial, the court may if it thinks it is appropriate in the circumstances, deal with the proceedings by an audio visual link or audio link without

requiring the personal attendance of the defendant. In so doing, the court must, if the proceeding is the defendant's first appearance in connection with the matter, consider whether or not the defendant has legal representation or has had an opportunity to obtain legal advice.

Part 6—Amendment of *Legislation Revision and Publication Act 2002*

10—Amendment of section 5—Program for revision and publication of legislation

Currently, this provision requires legislation to be available to the public in both electronic and printed form. The effect of this amendment is to provide that legislation may be available in either print or electronic form.

11—Amendment of section 8—Publication of legislation

Currently, this provision provides that legislation revised under the Act may be published by publishing a printed copy and, whether or not the legislation is revised, by publishing an electronic copy. The effect of this amendment is to provide that legislation may be published by publishing a printed copy or an electronic copy, whether or not it is revised under the Act.

Part 7—Amendment of *Solicitor-General Act 1972*

12—Amendment of section 5—Terms and appointment of Solicitor-General

The amendments to this section provide for the appointment of the Solicitor-General to be for a period of 10 years or such shorter period as is necessary for the person's term of office to extend to the day on which the person attains the age of 70 years (being the age of retirement). At the expiration of a term of office (subject to attaining age 70 years), the Solicitor-General may be eligible for reappointment.

13—Amendment of section 8—Resignation and retirement

The current section provides that the Solicitor-General will retire on attaining the age of 65 years. This clause amends section 8 of the Act to increase the age of retirement to 70 years.

14—Amendment of section 9—Leave on retirement

This amendment alters the reference to 65 years to refer to 70 years and is consequential on increasing the retirement age of the Solicitor-General.

15—Amendment of section 10—Pension rights of Solicitor-General and application of Judges' Pensions Act 1971

This clause provides that for the purposes of the *Judges' Pensions Act 1971*, at the expiry of a term of office, unless the person has attained the age of 70 years or is reappointed, the person will be taken to have resigned from the office of Solicitor-General.

Part 8—Amendment of *Summary Procedure Act 1921*

16—Amendment of section 184—Application may be made to Court for transfer to training centre

This amendment is consequential on the operation of the new *Youth Justice Administration Act 2016* and amends section 184(1)(c) of the Act to update the reference to the chief executive of the administrative unit of the Public Service responsible for assisting a Minister in the administration of the *Youth Justice Administration Act 2016* (rather than the *Family and Community Services Act 1972*).

Part 9—Amendment of *Young Offenders Act 1993*

17—Repeal of section 40

This clause deletes section 40 of the Act and is consequential on the operation of the new *Youth Justice Administration Act 2016*, which contains a similar provision at section 34 of that Act.

Part 10—Amendment of *Youth Court Act 1993*

18—Amendment of section 10—Court's principal judicial officer

This clause deletes section 10(9) of the Act, as amended by the *Statutes Amendment (Youth Court) Act 2016*, which provided that the Judge of the Court is responsible to the Chief Judge of the District Court for the proper discharge of the Judge's duties under the *Youth Court Act 1993* and the *District Court Act 1991*.

Debate adjourned on motion of Mr Griffiths.

**NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (AUSTRALIAN ENERGY REGULATOR - WHOLESALE MARKET MONITORING) AMENDMENT 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) (15:47):** Obtained leave

and introduced a bill for an act to amend the National Electricity (South Australia) Act 1996. 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) (15:48):** I move:

That this bill be now read a second time.

I seek leave to insert the second reading explanation into *Hansard* without my reading it.

Leave granted.

1. The Government is amending the national energy legislation to confer on the Australian Energy Regulator a wholesale market monitoring and reporting function.

2. In relation to the wholesale electricity market, the presence of barriers to entry or structural factors may raise the possibility there is not effective competition in the wholesale electricity market, which would be detrimental to the long-term interests of consumers. In particular, it would be likely to have an adverse effect on the efficient investment in, and efficient operation of, electricity services in the National Electricity Market.

3. The *National Electricity (South Australia) (Australian Energy Regulator—Wholesale Market Monitoring) Amendment Bill 2016* will confer on the Australian Energy Regulator a wholesale market monitoring and reporting function to ensure Energy Ministers have information and evidence to support legislative, regulatory or other responses where features of the wholesale electricity market are found to be detrimental to effective competition.

4. The wholesale market monitoring and reporting function will enable the Australian Energy Regulator to regularly and systematically monitor the performance of the wholesale electricity market in relation to effective competition and to perform other monitoring functions that relate to offers and prices within the wholesale electricity market.

5. The Bill explicitly limits the scope of the monitoring function to entities that supply electricity or services through the electricity wholesale exchange operated by the Australian Energy Market Operator.

6. In performing these functions, the Australian Energy Regulator must have regard to the matters specified by this Bill in assessing whether there is effective competition but is not limited by the specified criteria. The Australian Energy Regulator may also have regard to other matters as it considers relevant to determine whether there is effective competition. This will ensure the scope of the Australian Energy Regulator's assessment of whether competition is effective in a relevant market is not unduly limited.

7. Importantly, wholesale market monitoring and reporting will provide greater transparency for stakeholders, including policy and rule makers, regulators and consumers on the operation of the wholesale electricity market. The Australian Energy Regulator will be required to publish on its website a Wholesale Market Monitoring Report at least every 2 years and provide advice to Energy Ministers as it thinks fit.

8. The report is required to cover a monitoring period of at least 5 years. To ensure that the first two reports can be delivered in the near term, however, the Bill requires the Australian Energy Regulator to prepare the first report based on a 2 year monitoring period and the second report on a 4 year monitoring period.

9. Clear advice provided by the Australian Energy Regulator to Energy Ministers will include its opinion on whether there are features of the wholesale electricity market that may be detrimental to effective competition or may be impacting detrimentally on the efficient functioning of the market which require a legislative, regulatory or other response.

10. The Bill also ensures that the report contains sufficient information about the period monitored. The Bill requires the report to contain a discussion and analysis of the results of the performance of the monitoring functions, features observed that impact detrimentally on the efficient functioning of the market and the achievement of the national electricity objective, inefficiencies in the market and their causes and the methodology applied including results of indicators, tests and calculations performed.

11. To ensure the costs of this function are minimised, the Australian Energy Regulator must use, in the first instance, publicly available information to identify any relevant matter in its analysis of effective competition in the wholesale electricity market.

12. Recognising the amount of information which is not transparent in the wholesale electricity market and held on a confidential basis by wholesale electricity suppliers, to ensure a robust analysis of effective competition the Australian Energy Regulator can obtain confidential information from a wholesale electricity supplier where it has identified a relevant matter.

13. To protect the confidential information provided by a wholesale electricity supplier, the Australian Energy Regulator is expressly prohibited from using this information for any purpose other than the performance of the wholesale market monitoring and reporting function. Where it is necessary to disclose the information for the

reporting function, the Australian Energy Regulator must combine or arrange the information with other information so it does not reveal any confidential aspects of the information or reveal the wholesale electricity supplier to whom the information relates.

14. The Bill also provides the Australian Energy Regulator with immunity from liability for breach of confidence in respect of disclosing certain confidential information. No action for breach of confidentiality may be brought against the Australian Energy Regulator for disclosing confidential information where the Australian Energy Regulator reasonably believed that the information was not confidential information or was sufficiently aggregated so as not to disclose confidential aspects of the information.

15. I commend the Bill to Members.

#### Explanation of Clauses

#### Part 1—Preliminary

##### 1—Short title

This clause is formal.

##### 2—Commencement

The Act is to commence by proclamation. Certain amendments relating to confidential supplier information are related to an amendment that is to be made to the *Competition and Consumer Act 2010* of the Commonwealth. As a result, section 7(5) of the *Acts Interpretation Act 1915* is disappplied.

##### 3—Amendment provisions

This clause is formal.

#### Part 2—Amendment of *National Electricity Law*

##### 4—Amendment of section 2—Definitions

New definitions are inserted for the purposes of the measure.

##### 5—Amendment of section 15—Functions and powers of AER

The functions and powers of the AER are amended to reflect its wholesale market monitoring and reporting functions.

##### 6—Insertion of Part 3 Division 1A

New Part 3 Division 1A is inserted:

Division 1A—Wholesale electricity markets—AER monitoring and reporting functions

##### 18A—Definitions

Definitions are inserted for the purposes of the new Division.

##### 18B—Meaning of effective competition

The matters that the AER must have regard to in assessing whether there is effective competition in a market are set out.

##### 18C—AER wholesale market monitoring and reporting functions

The AER wholesale market monitoring and reporting functions are provided for.

##### 18D—Provision, use and disclosure of information

The proposed section sets out procedures and other matters relating to the AER's information gathering and disclosure powers for the purposes of its wholesale market monitoring and reporting functions.

##### 18E—Immunity from liability

Provision is made in relation to immunity from liability for the AER for any action for breach of confidence with respect to the disclosure of confidential supplier information.

##### 7—Amendment of Schedule 3—Savings and transitionals

A transitional provision is inserted:

Part 13—Transitional provision related to AER wholesale market reporting functions

26—Transitional provision related to AER wholesale market reporting functions

The provision provides that the first AER wholesale market report will only relate to the first 2 years of operation of the measure and the second report will only relate to the first 4 years of operation of the



measure (under the measure, reports thereafter will relate to the 5 year period immediately preceding the report).

Debate adjourned on motion of Ms Chapman.

## **STATUTES AMENDMENT (NATIONAL ELECTRICITY AND GAS LAWS - INFORMATION COLLECTION AND PUBLICATION) 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) (15:48):** Obtained leave and introduced a bill for an act to amend the National Electricity (South Australia) Act 1996 and the National Gas (South Australia) Act 2008. 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) (15:49):** I move:

That this bill be now read a second time.

I seek leave to insert the second reading explanation into *Hansard* without my reading it.

Leave granted.

1. The Government is amending the national energy legislation to ensure the Australian Energy Regulator has sufficient and clear powers to collect and publish data in its role as the economic regulator of network service providers.

2. Energy networks are capital intensive and operate as natural monopolies as it is not economically feasible to duplicate them. Given this monopoly structure, network service providers are evaluated periodically by the Australian Energy Regulator to ensure only efficient costs are incurred in providing energy services, including safety, security and reliability requirements. The Australian Energy Regulator is required every five years to assess and approve each regulated network service provider's revenue allowance to apply for a regulatory determination period.

3. The National Electricity Rules and National Gas Rules set out the approach that the Australian Energy Regulator must use to determine the revenue allowance. The approach requires the Australian Energy Regulator to determine the revenue allowance based on costs components an efficient business needs to incur to provide the services. The Rules acknowledge benchmarking will be used by the Australian Energy Regulator to determine the needs of an efficient business.

4. The *Statutes Amendment (National Electricity and Gas Laws – Information Collection and Publication) Bill 2016* makes amendments to the *National Electricity (South Australia) Act 1996* and the *National Gas (South Australia) Act 2008* to ensure the Australian Energy Regulator has sufficient and clear powers to collect and publish data necessary to benchmark the performance of electricity and gas network service providers.

5. Currently, the Australian Energy Regulator may prepare electricity and gas network service provider performance reports. These network service provider performance reports may deal with the financial or operational performance of a network service provider in relation to service standards and profitability.

6. The Bill will clarify that the Australian Energy Regulator must prepare these performance reports if required by the National Electricity Rules or National Gas Rules. The existing National Electricity Rules require the Australian Energy Regulator to prepare and publish an annual performance report, referred to as the annual benchmarking report, on the relative efficiency of the electricity network service providers.

7. It is also clarified in the Bill that performance reports published by the Australian Energy Regulator may deal with the financial or operational performance of a network service provider in relation to the efficiency of the network service provider in providing the services.

8. To ensure the Australian Energy Regulator can use existing information gathering powers to collect data solely for the purpose of benchmarking the efficiency of network service providers in the performance reports, the Bill will remove the restrictions on the Australian Energy Regulator from issuing a regulatory information instrument solely for the purposes of collecting information for preparing network service provider performance reports.

9. To support the Australian Energy Regulator's ability and in some circumstance obligation to publish network service provider performance reports, the Bill deals with confidentiality issues.

10. Rather than relying on the existing general provisions in national energy legislation which deal with disclosure of confidential information held by the Australian Energy Regulator, the Bill includes specific confidentiality provisions applicable to complying with a regulatory information instrument. This is to address concerns that the existing process for the release of confidential information is time consuming, resource intensive and can encourage blanket claims of confidentiality in response to regulatory information requests.

11. The Bill places the onus of claiming confidentiality of information requested in a regulatory information instrument on the network service provider. The network service provider may make a claim on confidentiality on behalf of themselves or a third party who provided them with information. The network service provider will need to claim confidentiality and provide reasons in support of the claim at the time the information is provided to the Australian Energy Regulator in compliance with a regulatory information instrument. This is appropriate as the network service provider is best placed to identify the reasons why information is confidential and should not be subject to release.

12. It is at this point in the process that the network service provider has the opportunity to provide the Australian Energy Regulator with information about any detriment that might be caused to them if the information were to be disclosed, or any detriment that might be caused to a third party who provided them with the information, if known.

13. Importantly, the Bill provides that information provided to the Australian Energy Regulator in response to a regulatory information instrument which is not subject to an express claim of confidentiality under the new process is not regarded as being confidential.

14. These provisions in the Bill will ensure that the Australian Energy Regulator is not unduly restricted in the information it publishes and ensures stakeholders, as far as possible, have information available on the performance of their local network service providers to assist them to engage in the revenue determination processes undertaken by the Australian Energy Regulator.

15. Given the importance of addressing information asymmetries in the revenue determination processes, the Australian Energy Regulator can publish information for which confidentiality has been claimed in accordance with the new process. In doing so, the Bill requires the Australian Energy Regulator to comply with existing provisions in the national energy legislation regarding the disclosure of confidential information.

16. The existing provisions regarding disclosure of confidential information include among other things that the Australian Energy Regulator may disclose confidential information if the disclosure does not lead to the identification of the person to whom that information relates and where the detriment does not outweigh the public benefit in disclosing it.

17. The Bill also adds to the existing circumstances in which the Australian Energy Regulator can disclose confidential information. The Australian Energy Regulator is authorised to disclose confidential information if it is aggregated so that it does not reveal any confidential aspects of the information.

18. If the Australian Energy Regulator intends to release confidential information it has received in response to a regulatory information instrument on the basis the disclosure would not cause detriment, the Bill provides that the Australian Energy Regulator may release it after considering the detriment that might be caused as advised at the time confidentiality was claimed, giving written notice and the AER's decision setting out its reasons and after expiry of the restricted period. This ensures that the process of providing information about the detriment that could be caused by disclosure is not duplicated.

19. A more comprehensive disclosure process applies where the Australian Energy Regulator is seeking to release confidential information it has received in response to a regulatory information instrument on the basis the public benefit in disclosure outweighs the detriment it would cause. This is to ensure that the providers of the information are given the opportunity to be heard on the issue of whether there is public benefit in disclosing the information.

20. In this circumstance, the Bill requires the Australian Energy Regulator to provide persons that provided the information a specified period to make representations in relation to the public benefit test. The Australian Energy Regulator must only disclose the information after considering the previously obtained information on the detriment that disclosure may cause and the representations in relation to the public benefit test, giving written notice and the AER's decision setting out its reasons and after the expiry of the restricted period.

21. The Bill also takes the opportunity to make it clear that the procedures set out in the Bill and in the existing national energy laws regarding the disclosure of confidential and protected information if the detriment does not outweigh the public benefit are an exhaustive statement of the requirements for procedural fairness and the natural justice hearing rule.

22. The Bill is not intended to apply retrospectively. A provision has been included to make it clear that information previously disclosed will be subject to the provisions of the national energy laws in force immediately before the commencement of this Bill.

23. 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 *National Electricity Law*

4—Amendment of section 28F—Service and making of regulatory information instruments

Section 28F(3)(d) of the *National Electricity Law* is deleted.

5—Insertion of sections 28OA and 28OB

New sections 28OA and 28OB are inserted:

28OA—Confidentiality issues

This section makes provision in relation to claiming confidentiality of information given to the AER in compliance with a regulatory information instrument.

28OB—Disclosure of information given to AER in compliance with regulatory information instrument

Provision is made in relation to the disclosure (by the AER) of information given to the AER in compliance with a regulatory information instrument.

6—Amendment of section 28V—Preparation of network service provider performance reports

Amendments are made in relation to the preparation of network service provider performance reports.

7—Insertion of section 28ZAA

New section 28ZAA is inserted:

28ZAA—Disclosure of information in an aggregated form

The AER is authorised to disclose information given to it in confidence in aggregated form (so that it does not reveal any confidential aspects of the information).

8—Amendment of section 28ZB—Disclosure of information authorised if detriment does not outweigh public benefit

Certain related amendments are made to section 28ZB.

Other amendments provide for procedures and other matters in relation to the AER's decision to disclose information under the provision.

9—Insertion of section 54FA

New section 54FA is inserted:

54FA—Disclosure of information in an aggregated form

Provision is made for AEMO to disclose information in aggregated form (in the same manner as the AER).

10—Amendment of section 54H—Disclosure of protected information authorised if detriment does not outweigh public benefit

Similar to the proposed amendment in relation to the AER, it is provided that section 54H is taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the disclosure of certain information by AEMO.

11—Amendment of Schedule 3—Savings and transitionals

A transitional provision is inserted:

Part 13—Information publication

26—Information publication

The release of information given to the AER or AEMO in confidence before the commencement of the clause will be subject to the provisions of the *National Electricity Law* in force immediately before that commencement.

Part 3—Amendment of *National Gas Law*

12—Amendment of section 48—Service and making of regulatory information instruments

Section 48(3)(d) is deleted.

13—Insertion of sections 57A and 57B

New sections 57A and 57B are inserted:

57A—Confidentiality issues

This section makes provision in relation to claiming confidentiality of information given to the AER in compliance with a regulatory information instrument.

57B—Disclosure of information given to AER in compliance with regulatory information instrument

Provision is made in relation to the disclosure (by the AER) of information given to AER in compliance with regulatory information instrument.

14—Amendment of section 64—Preparation of service provider performance reports

Amendments are made in relation to the preparation of service provider performance reports.

15—Insertion of section 91GFA

New section 91GFA is inserted:

91GFA—Disclosure of information in an aggregated form

Provision is made for AEMO to disclose information in aggregated form (in the same manner as the AER).

16—Amendment of section 91GH—Disclosure of protected information authorised if detriment does not outweigh public benefit

It is provided that section 91GH is taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the disclosure of certain information by AEMO.

17—Insertion of section 328B

New section 328B is inserted:

328B—Disclosure of information in an aggregated form

Provision is made for the AER to disclose information in aggregated form

18—Amendment of section 329—Disclosure of information authorised if detriment does not outweigh public benefit

Certain related amendments are made to section 329.

Other amendments provide for procedures and other matters in relation to the AER's decision to disclose information under the provision.

19—Amendment of Schedule 3—Savings and transitionals

A transitional provision is inserted:

Part 14—Information publication

89—Information publication

The release of information given to the AER or AEMO in confidence before the commencement of the clause will be subject to the provisions of the *National Gas Law* in force immediately before that commencement.

Debate adjourned on motion of Mr Griffiths.

*Sitting suspended from 15:50 to 16:05.*

*Parliamentary Procedure*

## **SITTINGS AND BUSINESS**

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (16:05):** I move:

That the house do now adjourn.

Motion carried.

At 16:05 the house adjourned until Thursday 29 September 2016 at 10:30.

*Answers to Questions***NATURAL RESOURCES MANAGEMENT LEVY**

In reply to **Mr GRIFFITHS (Goyder)** (18 May 2016).

**The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government):**  
The Minister for Sustainability, Environment and Conservation has advised:

Natural Resources, Adelaide and Mount Lofty Ranges (AMLR) received a letter from the Town of Walkerville following consultation on the AMLR Natural Resources Management (NRM) Board's Business and Operational Plan. The AMLR NRM Board's Presiding Member, Professor Chris Daniels, responded to the Town of Walkerville and outlined the strategies that had been adopted by the board to raise additional income to meet a range of increased costs.

After community and stakeholder consultation on the AMLR NRM Board's business plan, the board drew on feedback to reprioritise work programmes and projects. This has allowed the increase to the AMLR land levy to be limited to only 6 per cent, which equates to a rise of only one dollar on average for the majority of the community.

Professor Daniels also reminded the Town of Walkerville that they are able to recover the costs of levy collection, and offered the Regional Director to meet with representatives of the Town of Walkerville to identify, discuss and develop further partnership opportunities.