

HOUSE OF ASSEMBLY

Tuesday, 1 November 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 Procedure

SITTINGS AND BUSINESS

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (11:01): I move without notice:

That standing and sessional orders be and remain so far suspended today as to enable the sitting of the house to be extended beyond 1pm, for the house to proceed with its ordinary business set out in standing order 78 from 1pm, and for the sitting of the house to be suspended for one hour after the completion of question time.

The SPEAKER: The house should be full—every member in his or her place—to enable this to go through. A majority not being present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Bills

STATUTES AMENDMENT (COURTS AND JUSTICE MEASURES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2016.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:04): I rise to speak on the Statutes Amendment (Courts and Justice Measures) Bill 2016. This is a bill that was introduced by the Attorney-General in September and claims to make minor amendments to a number of acts, including the Bail Act, the Criminal Law Consolidation Act, the Evidence Act, the Solicitor-General Act, the Summary Procedure Act and the Youth Court Act, amongst others. In summary, it is fair to say that many of the amendments are relatively minor and I think, from our perspective, we accept that there are some efficiency measures that are being incorporated.

There is an exception to that, however, and that is the amendment to the Solicitor-General Act 1972, which I will address shortly. The opposition will support the bill, but let me say that it never ceases to amaze me that we continue to have significant acts open for amendment and yet the government chooses not to progress the tidy-up requirements on which clearly they have had advice over a period of time.

Yet again, we have to come before the parliament with a bill such as this. From time to time, there are circumstances in which acts that are not usually opened are in need of amendment and a tidy-up is appropriate. But these are acts that are frequently opened and about which I think the government is being particularly lazy, or attempting to make it look like it is doing more than it is by introducing another bill.

Be that as it may, regarding the amendments to the Bail Act, I was advised at the briefing provided by the Attorney-General's Department that the Chief Magistrate had sought to widen the class of persons who can witness a bail agreement or a guarantee for bail to include the registrar or deputy registrar. Given that we are about to have a judicial registrar in legislation, a bill which is to follow this one, one wonders whether we might need another piece of tidy-up legislation to add to that, particularly as it is proposed that they will have some administrative duties.

Next we have the amendments to the Criminal Law Consolidation Act and the Evidence Act, apparently as requested by the Chief Justice and Chief Magistrate, to allow the greater use of a video link-up during court matters and the court deciding whether it is suitable for an appellant or respondent to appear through an audiovisual link. The use of this means of attendance, via video or audio link, is and has been an important initiative, both for the protection of witnesses and of course the minimising of costs in transport and supervision for those who are in custody. That is a measure we will support in its expanded use.

Next we have a request by parliamentary counsel to amend the Legislation Revision and Publication Act 2002 to recognise the electronic publishing of documents—hooray! I am pleased to see that is finally being put to bed, as such. Then we have the amendments to the Evidence Act, as requested by the DPP, to extend the current section 13B of the Evidence Act to preclude cross-examination of vulnerable witnesses by unrepresented accused and to also prevent the cross-examination of the proceedings regarding this victim.

At the recent Australian Bar Association conference in Melbourne last week, our Chief Justice attended, obviously many of our eminent counsel attended, and I was pleased to be asked to attend and provide a contribution on Indigenous incarceration and also on legal aid in South Australia. I was more than pleased to do so. It was at the invitation of Mr Patrick O'Sullivan QC, who is the current President of the Australian Bar Association. Congratulations to him on an outstanding conference.

As a South Australian, it was even more pleasing to be able to attend and be invited to speak. To have a conference which the federal Attorney-General of Australia opens and which the Prime Minister closes, a two-day conference, is outstanding indeed. I commend others who, in this new initiative for the Australian Bar Association, in this case joining with the Victorian Bar Association, convened the Australian conference where otherwise attention is given to international conferences. Not that they are not wonderful, but I make the point that this initiative by Mr O'Sullivan and his committee has been an excellent one.

The breadth of people who attended, and members of the judiciary and appeal courts, was absolutely sensational. The issue of dealing with vulnerable victims and the opportunity to protect, in a statutory way, self-represented accused was raised at the conference. Indeed, many members of the judiciary made comment on how they manage unrepresented parties generally but, in particular, on this aspect. It is pleasing to see that South Australia is catching up in this regard to make sure that we protect victims in those circumstances.

Of course, we have the other amendments to the Evidence Act, which apparently were requested in the Attorney-General's Department, to alter the current restrictions preventing an unrepresented accused from personally cross-examining a victim to include an offence of recklessly or intentionally causing harm to be consistent with the CLCA. There is also an amendment to the Youth Court Act to provide for the Youth Court judge to be autonomous and not accountable to the Chief Justice of the District Court. This is in direct response to the amendments to the Youth Court and its structure.

The government had previously moved to attempt to remove a District Court judge from being the head of that court and move them to the magistracy. That was objected to by the parliament and we have a compromise. The Youth Court judge remains as someone who has the status of a District Court judge but is autonomous in their own right and will not be accountable to the Chief Judge of the District Court, as has previously prevailed. Ms Penny Eldridge is now the Youth Court judge, and I wish her well in undertaking that responsibility. She has served this court very well in her role in the past.

I come now to the more controversial aspect, that is, the amendments to the Solicitor-General Act 1972. This is an initiative of the Attorney-General, presumably from advice given to him by the Attorney-General's Department. Members ought to be aware that this is a proposal to change the appointment arrangements for the Solicitor-General. The Solicitor-General is a person who is appointed by the Governor on the recommendation, obviously, of the cabinet, and they are currently appointed under the terms and conditions as set out in the Solicitor-General Act 1972.

The Solicitor-General is commonly referred to as the second law officer of the state and they act on instructions from the Attorney-General. Clearly, they advise the state or appear as counsel on behalf of the state, including on behalf of the Crown Solicitor and the Director of Public Prosecutions when required. They have a relatively small budget of about \$240,000 a year, so it is a small tight unit. Mr Hinton QC, now Mr Justice Hinton of one of our superior courts, held this position until a few months ago. The position is currently vacant.

I think Mr Hinton appeared for the state of South Australia in the now infamous case in the High Court relating to the disastrous dead Gillman deal, when the applicant unsuccessfully challenged the exclusion of the right to tender for the Gillman land. He took the matter to the High Court and it was settled in April this year and resulted in a new deal, which expires today. That is another matter. The point I make is that the Solicitor-General, on behalf of South Australia, can take up these areas of responsibility to represent the state, and Mr Hinton was involved in that case, as I recall.

The other probably more famous matter was the resolution of the Henry Keogh case resulting in his release, when Mr Hinton again represented the state. When the decision was made in December 2014 that it was unsafe to leave the verdict, there was an announcement by the DPP that there would be a further prosecution; that was later abandoned. Mr Hinton ably represented the state on that occasion and, for the first time in 10 years under his watch, he was able to disclose the existence of a report prepared by Dr Vernon-Roberts, which was critical in the determination of that case.

It finally came to light and he made it available to defence counsel. Unsurprisingly, it became the subject of argument in that case, and to this day, six questions later in this parliament, we still have no answers from the Attorney-General as to why that document had been hidden for 10 years, but good on now Mr Justice Hinton for making that material available. It is very important to remember the role of the Solicitor-General and the significance of the independence of the Solicitor-General.

If one were to try to summarise the great merit that we sign up to in South Australia—that is, of democracy, the importance of the separation of powers and the rule of law—it would be to say that it is absolutely critical that the regime that has the right to make decisions is elected democratically, has the majority of support and is supplemented by that incredible aspect that together gives us the protection of South Australians; that is the genius of the rule of law and its application—that those before the law are equal.

It does not matter how important you are, whether you are the Premier of the state or whether you are a child, you are entitled to the protection of the law equally. As long as you are over the age of 10, you have to line up and be treated equally in our criminal law regime. That is the genius of the combination of those two things that gives us an important protection.

To date, the Solicitor-General has been appointed in a tenured position and upon appointment obviously can act, under instruction from the Attorney-General—not anyone in the cabinet, but from the Attorney-General—on behalf of the state's interests, but there is an independence that goes with that and it is absolutely critical. Similarly, under statute, we give statutory protection against interference of the executive by having a separate Director of Public Prosecutions secured by their own statute, and the opportunity then is minimised for interference, so it is a very important role.

I was quite amused to read of the recent dispute between the federal Solicitor-General, Mr Gleeson, and the federal Attorney-General and the media commentary on a dispute that had arisen between the two. Obviously, there was some antipathy. I am not going to be making a comment about that specifically, but what I would say is that the media commentary was raising the question: why could the Prime Minister not ring up the Solicitor-General and provide instructions and have the matter dealt with? It is for exactly the same reason why that cannot happen in South Australia. The Premier cannot just ring up the Solicitor-General when he feels like it and say, 'I want you to go out there and represent my government on this.'

The statute states that the instructions are exclusively by the Attorney-General, as they should be. When we tinker with these things I like to have a very clear understanding about what the government is doing because, in this instance, today we are being asked to sign up to an amendment

to the Solicitor-General Act that will provide for a fixed term of 10 years and increase the age of retirement to 70. The latter is quite reasonable; that is catching up with the modern circumstances, and it is reasonable that that be included.

However, where we deal with providing fixed terms for parties who are independent, then the issues in respect of appointment and how they are to operate become more critical. The government has said that the tenure for the solicitor-general in other states has been a basis upon which some consideration has been given to this. New South Wales and Tasmania have adopted a fixed term with 10 years, but in the Northern Territory it has remained a life-tenured position. Western Australia, the ACT and the commonwealth have seven years; Queensland has five years.

It is an issue which I will explore when we are dealing with the next bill in respect of the appointment of a judicial registrar to each of the Magistrates, Youth, District and Supreme courts of South Australia. Again, that is to have a tenured position. In this instance, the appointment will be effectively by the cabinet on recommendation from the Attorney-General but it will be, as I said, for a fixed period. On my reading of the bill, there is also provision for protection of the entitlements in respect of superannuation, and we have no issue with that.

It is fair to say, and probably for very good reason, especially the last one, that when good solicitors-general have been appointed by government, and they undertake their instructions diligently and are successful on behalf of the state, they might receive favour in the appointment to a superior court—and this one has—that is, the last one we have had. It is an important position. We are really putting in one of our best counsel in respect of litigation as a representative on behalf of the people of South Australia on instruction from the Attorney.

It is an important position, and we will be watching with interest once the bill has passed through the parliament to welcome the next Solicitor-General when he or she is appointed. It is some months now since we have had one. We clearly need one. I think it only has a very small budget, as I have said, so I look forward to that. It appears generally that there have been no issues from the Law Society and other parties in respect of the advance of this, so it will have passage through this house with our blessing.

Mr ODENWALDER (Little Para) (11:23): I rise to speak also in support of the Statutes Amendment (Courts and Justice Measures) Bill 2016. This bill makes various amendments, all of them with the aim of creating efficiencies within our justice system. All these amendments, as the member for Bragg has outlined, are important, but there is one in particular I would like to focus on today. That is the amendment to section 361 of the Criminal Law Consolidation Act to give the courts discretion as to the appearance of a person in custody, whether they appear in person or now by video link.

Deputy Speaker, as you know, our courts already make significant use of audiovisual technology. This is to be commended and this creates real efficiencies within the justice system, and our aim is always to make the courts and our justice system more efficient, more conducive and more responsive to community needs. An appearance by video link means that the defendant does not need to be transported from a prison or somewhere else to the court facility and then back again, often for minor proceedings, and then held in court cells while they either await the matter or simply are transported back to prison to appear another day.

This amendment then means that courts will possess the relevant powers now and in the future to manage their proceedings in the best and most efficient way which is what we all want. While this might seem to be a minor amendment to some, these small steps, as we know, can have a major impact on the efficiency of proceedings within the justice system.

Through its Transforming Criminal Justice project, this government has been focused on both wideranging criminal justice reform and also small-scale reform, both of which can create major inefficiencies. For example, the government has supported the Court Attendance Notification Plus (CAN+) reform, whereby defendants agree to be served by email with necessary documents. This is instead of, generally, two uniformed police officers travelling sometimes long distances to personally serve these people with relevant documentation. As a former police officer, I know firsthand how frustrating and sometimes unnecessary this process can be.

Often the defendant is not home to receive the documents, meaning that the police officers' time has been completely wasted and they have to return the next day and then they have to go back and somehow log this waste of time, and the whole thing could have been done much more efficiently—and can be now. The time of these officers could have been much better spent on the road or on the beat or doing something more practical to keep our communities safe. This was a good measure. It is much easier, obviously, to serve someone by email and, if they are agreeable to that, it makes the system easier for everyone involved and more efficient.

CAN+, a lot like the amendment contained in this bill, is an example of relatively small-scale reform that will make the criminal justice system more streamlined and more efficient, and it should be embraced by this parliament. I commend this amendment and I commend the whole of the bill to the parliament.

Mr TARZIA (Hartley) (11:25): I rise also today to support the Statutes Amendment (Courts and Justice Measures) Bill 2016 and to make a few comments highlighting the proposed amendment to part 7 of the Solicitor-General Act 1972 before it goes to the other place. As we have heard, the bill in question was introduced in late September of this year and it makes a series of changes to certain acts, being the Bail Act 1985, the Criminal Law Consolidation Act 1935, the Evidence Act 1929, the Solicitor-General Act 1972, the Summary Procedure Act 1921 and the Youth Court Act 1993, amongst others. I note that most of these changes are small in nature and they are for efficiency measures, in many respects, to better match up with other acts.

The bill, as we have heard, seeks to make changes to various acts in several ways, beginning with the Bail Act, after requests by the Chief Magistrate, where there is a proposed widening of the class of person who can witness a bail agreement or guarantee of bail to include a registrar or deputy registrar. Further to a request by the Chief Justice and the Chief Magistrate, I note that part 3 of the Criminal Law Consolidation Act 1935 and the Evidence Act 1929 is proposed to be altered as well.

From a request, I believe by parliamentary counsel, part 6 of the Legislation Revision and Publication Act 2002 has been proposed to be amended to allow for recognition of electronic publishing of documents, and we have heard why that would be a good idea. Part 5 of the Evidence Act 1929, as requested by the Attorney's senior legal officer, I understand that there is to be an alteration to the current restrictions preventing unrepresented accused from personally cross-examining a victim, to include an offence of recklessly or intentionally causing harm to be consistent with the Criminal Law Consolidation Act, and so forth.

I want to speak briefly about the alteration proposed to the Solicitor-General Act 1972. We have heard that the Solicitor-General is, in fact, otherwise known as the second law officer of the state, with a budget of some \$240,000 or so per year. The Solicitor-General is obviously appointed by the Governor with certain conditions and it is an extremely important role to fulfil for the state. We know that the next Solicitor-General will be appointed soon. We are not sure who that will be, but I have no doubt that it will be a highly qualified member of the state's legal circle. It might even be a barrister from one of the reputable Adelaide chambers, maybe Hanson Chambers, for example. Whoever it is, I have no doubt that they will do a fantastic job.

The Solicitor-General, being a senior statutory officer appointed by the Governor and the second legal officer after the Attorney-General, represents the Crown in civil proceedings and must provide independent high-level work and high-level advice to the Attorney-General. The departmental staff, in their very important work, also support the Solicitor-General. If the serving Solicitor-General is able to do an upstanding job of independently serving the law and the people of this state, I think we need to ask why they should be forced to leave after 10 years. I would have thought that a capacity-based assessment would be better than the imposition of a compulsory retirement.

I believe the role needs absolute unfettered discretion. There cannot be any potential distraction because this is an independent position. I understand that there may be an intention to perhaps cut costs where possible but, after that, what happens? As we have seen from time to time, often people who fulfil this role later end up in the judiciary. My real concern is: what happens when the government is a party to legal issues?

If the Solicitor-General became a member of the bench and the government was included in legal proceedings, that person may be involved, albeit on the bench. We have seen, unfortunately, just by the nature of what the government does, that it often has to go into litigation. This calls into question this concept of whether we should have capacity-based assessment and whether that should be for life or whether this person, whoever it is, should be forced to retire after a certain amount of time.

An independent judiciary is one of the most important—if not the most important—part of our system of governance in South Australia. It provides a balance but also a check on the legislative and executive arms of government. Under the Australian Constitution and the South Australian constitution, the judiciary is in fact independent of the legislature and the executive. The judiciary has obligations to the community to determine cases impartially and according to the law, whether they are between individuals or between a citizen and the state.

To do this, these sorts of positions and the judiciary must be able to exercise their judicial functions and their other functions without interference from the executive or the legislature. I believe the community must be able to approach the courts, even when legal action is against the government, and know that the government cannot interfere in a particular case because judicial independence ensures that the community can conduct legal action without fear or favour.

As the member for Bragg has pointed out, we on this side of the chamber will be supporting this legislation, but I would respectfully encourage the Attorney to rethink this part. We have not been given arguments as to why the bill seeks to provide a fixed term of 10 years. However, I hope that I have provided a little bit of perspective and context as to why some of us on this side have reservations about that. I look forward to following the debate in due course as it progresses through this place and the other place.

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) (11:33): I thank those members who have spoken. I will be very brief in my remarks. First of all, I thought it was significant that the member for Little Para said some things about the amendment to section 59IQ. In the fullness of time, this will be recognised as being one of the most significant changes made in recent times because it will, in effect, enable the digitisation and enhanced efficiency of the courts through eliminating a large number of unnecessary personal appearances.

I am very optimistic that, in the fullness of time, many appearances by lawyers and by accused people in the courts will be able to be dealt with by way of audiovisual link rather than by the time-consuming and expensive processes of people being shuttled around the place or sitting in waiting rooms or whatever the case might be. I think this is very significant and, in the fullness of time, it will be seen to be one of the most important innovations we have made.

As to the question about the Solicitor-General, the only issue is about the tenure point, as I understand it. Everyone accepts that the age of 65, which is presently there, is out of touch with contemporary thinking, so the question is: should the person be there, in effect, until age 70 or should they be there on a tenured position? Looking around the country, the overwhelming answer to that question is that it should be on a tenured position. The Director of Public Prosecutions is a tenured position and senior executives of government agencies are on tenured positions. I do not think there is any compromise at all in the independence of the Solicitor-General by reason of there being a tenure attached to that position.

It might be said that if you do not have tenure it may discourage, bizarrely enough, an attorney of the day from appointing a younger, perhaps potentially more vigorous, person to the position for fear of them being there for 30-odd years. It might be that people interested in these sorts of jobs are the sort of people who like to do the job for a while and then perhaps do something else, which often—more often than not, it appears—means taking up a position on the bench.

I am firmly of the view that there is no compromise to the independence of the role of Solicitor-General. I do agree with the deputy leader and the member for Hartley that this is a very important position. I certainly want to place on record the fact that during my period as

Attorney-General I have been extremely well assisted and supported by the former solicitor-general, now His Honour Mr Justice Hinton, and I place on record my appreciation for his excellent work.

Part of the reason I have not yet settled upon a replacement for him is that I would like to be able to say to whoever it might be who is an appropriate person for the job, 'Here are your terms and conditions and these have been settled by the parliament.' The sooner this goes through, the sooner I will have a clear position to be able to then take to, I am sure, an excellent candidate. With those few words, again I thank those members who have spoken and I commend the bill to the house.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:38): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (JUDICIAL REGISTRARS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 October 2016.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:39): I rise to speak on the Statutes Amendment (Judicial Registrars) Bill 2016 and indicate that I will be proposing amendments which will provide, in the alternative, an option for the government to consider. I also note that the Attorney-General has provided copies of foreshadowed amendments and a summary explanation of them in the last couple of days, and I have reviewed those and will be consenting to the same.

Essentially, the bill—which amends our District Court Act, Magistrates Court Act, Oaths Act, Supreme Court Act and Youth Court Act—is to accommodate a new judicial office in each of the Supreme, District, Magistrates and Youth courts to allow for the appointment of a new judicial registrar. We have been provided with a briefing—thank you—from the Attorney-General's Department, and have been advised that the background to this has come from former chief magistrate Judge Bolton to appoint a judicial registrar in the Magistrates Court. The idea has been extended in this bill not just to that court but also to the three superior courts.

The information provided by the Attorney most recently confirms that and, although I have not been provided with her letter of request to consider it, it is to be noted that whilst she recommended there was an opportunity to have the office of a judicial registrar in her court, she considered it should be subject to appropriate limitations and she had not specifically identified what the functions of the judicial registrar might be in the Magistrates Court.

So, it is relevant—and again I thank officers from the Attorney-General's Department—that if one is to consider the appointment of a judicial registrar, what is the situation that this office enjoys in other jurisdictions—either commonwealth or other states and territories? What are the terms of their appointment, functions, powers and the like? Probably most importantly, what restrictions would there be on that office?

In that regard, again I confirm that the Attorney-General's Department, under letter from the Attorney-General, has provided the summary of jurisdictions. There is no reference in it to Western Australia, I might add, so I can only assume at this point that, other than in the Western Australian division of the Family Court of Australia, they do not actually have judicial registrars in their state courts. Nevertheless, a comprehensive list of what applies in other jurisdictions was provided.

At first blush, when one looks at the bill I think it is fair to say, given the extent of the powers proposed under this regime, that it is not unreasonable to assume that this is the government's cheap option: how do they deal with outstanding judgements, how do they get rid of the disastrously long

lists of people waiting to have trials, particularly in our District Court in South Australia? I still think that is a pretty fair assessment, given the extent of responsibility proposed under this bill for judicial registrars in each of the proposed four courts. That does not necessarily mean it is not a good idea or that there is an opportunity for the office of judicial registrar, which is cheaper than a judge to appoint, and provide for both during their employment and on their death in terms of entitlements for widows and the like.

There are also a number of duties in the administrative area where they can provide support to the progress of matters in the courts which are reasonably to be in their area of responsibility and which do not necessarily require the consideration of a judge. Usually, these are in the areas where a consent has been reached between the parties in dispute, and it is the recording of final orders to complete a matter, to attend to the distribution and allocation of trials and other administrative duties, such as operating as a mediator or dealing with the conciliation generally and proper advancement of cases through the courts in other than contested disputes.

There are a lot of things that judicial registrars do in other jurisdictions which quite reasonably could be undertaken and which could still assist this government in what has been, unfortunately, a major blowout in the timely administration of justice in this state. With all the will in the world of the Chief Justice as the head of the Courts Administration Authority, unless there are appropriate resources, modern equipment and adequate facilities in which to work, that is a very difficult ask.

I am not going to repeat the litany of areas of deficiency where I think the government has failed in this area, but I will say this: if you do not operate in a reasonable environment to actually conduct the administration of justice and have a decent court facility in which you can properly fit advanced electronic equipment and IT, which is in the modern era and not have to try to retrofit buildings that were built two centuries ago, then you have a chance of having a decent justice system.

If you do not have enough judges to actually administer work, and if vacancies are not filled, then there has to be some work done to try to plug the gap. To some degree, that is what this bill does. This bill provides a cheaper version of someone in each of these courts to be able to do some of that work which, on the face of it, will free up judges to do other matters.

The reason I do not think the government has been entirely bona fide about the appointment of these people is that, if they were genuine in saying, 'We respect the judicial officers who are there as judges and acknowledge that those persons have a reasonable entitlement,' particularly as they are going to be asked to deal with serious matters and contested issues and not just bring in a cheap option to do that, then they would have limited the areas of responsibility that would be available and the workload to be undertaken by these new judicial registrars, but they have not. They have brought in the cheap option under a proposal to do all the work that judges do.

I think that is very telling of the government's disrespect for the important positions that are undertaken. If they come to this place and say, 'There are judicial registrars in a number of other jurisdictions around the country,' then they would have at least followed suit. We have just finished debating a bill where we talk about bringing the Solicitor-General's terms of appointment into line with other jurisdictions, yet it seems to me that when the government first floated this bill and sought submissions there was wild and consistent rejection of some of the ambit positions that the government put.

It has been reined back a bit, but I suggest, if the government were genuine in saying, 'We are looking around the country as to what other jurisdictions have done and we are taking the best from it and we are going to create this position here,' then they would have done so in a fixed-term position without requiring that the person in this office should deal with contested matters or be in a position where they are dealing with contempt or imprisonment matters. That would have been genuinely in line with the rest of the country.

If we were to look at other jurisdictions, and I think it is reasonable that we do for the purposes of my claim in this regard, we should look at the Family Court of Australia, which has had the positions of judicial registrars for decades which, I suggest, work very well. They also have a federal jurisdiction which provides for circuit judges and they have registrars. They do not have masters, as we have in our Supreme Court, but they have a Chief Justice, they have judges, they have a circuit court judge

and judges of their circuit court, and they have judicial registrars and registrars, and they all undertake important work.

What is important, for the purpose of this exercise, is that those judicial registrars cannot do a number of things. They cannot deal with children who are taken out of the country. They cannot deal with transfer of cases. They cannot deal with applications for medical procedures which, sadly, often deal with applications for sterilisation of people with intellectual disabilities and the like. They cannot deal with property matters that are over \$2 million in value and obviously they cannot deal with contempt matters and declarations of vexatious litigants and the like. So, there are a number of areas which are kept exclusively for judges. I think it is fair to say that those areas are at the sharp end of the pencil, being the more serious of matters.

They can deal with some contested matters in the property sense, as I say, at a lower level and they can deal with disputes in relation to the residence and contact arrangements for children and the like. They can deal with child maintenance orders and so on. They have a certain area of jurisdiction, but they are not judges. If that were a jurisdiction to be followed, then we would certainly have thought that was one that had the most experience and one that could have been consistently applied.

If we go to the New South Wales jurisdictions, their judicial registrars do not and cannot deal with criminal jurisdiction matters, and they cannot deal with contempt matters. The Northern Territory has the Work Health Court of the Northern Territory which, I am advised by the department, has limitations on work that they can do. In Queensland, similarly, there are significant limitations on the powers for the judicial registrars in both their Land Court and Magistrates Court.

If the government says, 'We want to be able to appoint these people in our courts; they can do useful work,' then I suggest to the government that they can have two options. They can either appoint judicial registrars as tenured appointments and allow them to do contested matters, or they can have a fixed term of appointment and only deal with uncontested matters, as a restriction on the work that they do. As I have acknowledged, that will assist in the administration and, hopefully, the smoother operation of each of these courts, but it should not be extended to doing contested work or dealing with criminal matters involving imprisonment. Those are the two options, and we suggest that the government should elect one or the other.

I have indicated that we will be proposing amendments in both those terms. Both will commence in clause 11, and I propose to move the first of the tabled amendments as a test provision. If the government does not elect either in full, the amendments will be pursued in another place. I only mention that because of the way in which I propose to move only the amendment on each alternate as amendment No. 1 and by way of explanation, not by way of threat, of what we will be doing in another place.

Why is it so important for the judicial officers to be thoroughly independent? I mentioned this in the preceding bill, and I will repeat it because it is even more critical in this bill. We have a separation of powers, a fundamental principle. I can remember, in dealing in this place with the celebration of the anniversary of the Magna Carta, setting out the importance of the separation of powers. It is a matter I also raised at the recent Australian Bar Association conference in Melbourne, that is, recognising that, when we have the appointment of judges and judicial officers to deal with contested matters, we need to appreciate that they are going to be determining matters to which the Crown, the State of South Australia and the government or its departments are a party.

Obviously, in criminal matters, the Crown is a party to all of them because it has the exclusive prosecuting role—either through the DPP, sometimes through the police, sometimes through agencies such as the Environment Protection Authority and the like—to prosecute these matters on behalf of the people of South Australia. So, the Crown is a party. Secondly, it is a party in a whole area of administrative determinations that are under review in a number of our courts, some of which have recently been brought in under the new South Australian SACAT model to deal with, but others are still left in independent tribunals and courts.

Third (if I can put them into three large categories) is the number of cases in the civil area of jurisdiction in our courts in which the government or one of its departments or agencies is either the plaintiff or the respondent. Frankly, I was staggered to read a letter from the Attorney-General,

received in the last couple of months in which he answered a question I had asked him a year ago; that is: how many active civil cases are there in South Australia to which the government or its departments or agencies are a party? The answer was 800.

I thanked him for the answer—better late than never—but it was staggering to me that we have a David and Goliath situation in South Australia in so much of our litigation in our civil courts to which the government is a party. I get used to it because since I have been in here every time I have asked for a contentious document under freedom of information it seems that I am whisked off to the District Court to appeal against an Ombudsman's direction to tell the government or one of its agencies to give me a document.

Nevertheless, I was staggered to see that level of litigation going on, and that is outside of the criminal matters and outside of the criminal compensation matters. I hate to think what it is to date. Some of them, of course, are huge and in the public profile, like the litigation that the state government has taken against SA Health Partners with respect to the build of the new Royal Adelaide Hospital—the most expensive building in the world, apparently. Nevertheless, under a notice of breach, proceedings were instituted and there are cross applications going on in those proceedings for breach in respect of claims against the government.

We have massive litigation like that involving an army of lawyers and counsel who are battling it out between government and a corporate joint venture arrangement over taxpayers' money being spent in every level, not just to build the building, but now to fight over it while it sits down there with its lights on and no patients. They are the really public ones that people read about, but there is also a whole lot of other litigation going on, in which the government is supposed to act as a model litigant and is also in dispute with citizens or entities in South Australia.

I am very concerned when the government comes along to the parliament, in this case via the Attorney-General, to present the appointment of judicial registrars in each of its courts, which is going to include a power to hear contested matters, of which it is a party in hundreds. I am very concerned, because if ever there were a situation where the rule of law should apply, the separation of powers should apply, and the independence of the judiciary should apply, it is in the circumstances where the government has an interest in proceedings before a judge, or, in this case, a judicial registrar who is going to come up for reappointment at the end of what is now to be a seven-year term proposed in this legislation.

I am very concerned, and the people of South Australia should be concerned. This is not just a question of looking at this at first blush and seeing whether the government is just trying to deal with the chaos in its courts by having a cheap level of judges be appointed: it is much more serious than that. It is much more serious because the government is asking us to support the appointment of a new regime of judicial officers, namely, judicial registrars, who will be hearing contested cases to which they are a party, and those judicial officers, if they want reappointment at the end of their seven-year term, will need to go back to present, obviously, for consideration by the Attorney-General.

That is completely unacceptable to us on this side of the house. It places those judicial officers in a position where they may feel under some pressure, if they want to keep their job, not to upset the government. It may be that they would not give a certain judgement—that is a possibility—that might upset or anger the government. It may be that they do make a finding against the government in a certain case, but they may not want to publish reasons which might humiliate or upset or anger the government.

That is not a situation that anybody in that position should be faced with. So, we say to the government that you can make a choice. If you want to have judicial registrars who work with certain functions in other jurisdictions in the country for the benefit of your state courts, which service our South Australians, then you have a choice: you either have a tenured position if you want them to do contested matters, or you have a fixed term if you want them to do administrative matters and not contested or contempt proceedings, or criminal proceedings involving imprisonment. That is the choice.

I do not think we could be fairer than that. If we were not to ask the parliament to think very carefully about this and reject the model that has been presented by the government, without one or

other of these amendments, then we would be failing in our duty to support the government when they come up with good ideas and reject the government when they come up with bad ideas, or assist to amend ideas where they are on the right track but have badly deviated. We would be utterly failing in our duty to the parliament.

I ask those who are going to vote on this bill to consider that sincerely. The Attorney-General, I think, has dismissed these options already, but I might be surprised. It might be that he will accept our amendments. If he does not, then there will be another place to consider them. I note that, in the period of consultation on this matter, the government have heeded some advice I think from the Chief Justice, from the briefing that I received, that there should not be an appointment, reappointment or even terms of wages and the like set without the appointment being also supported by the chief of that court.

Whether it is the Chief Justice of the Supreme Court, the Chief Judge of the District Court, the Youth Court head or the Chief Magistrate, they need to provide their concurrence with the appointment, reappointment or terms of employment of the judicial registrar, and that is good. That is an important addition. It should have been there in the first place. The fact that the Attorney-General tried to get away with him making these appointments, in the circumstances that he is asking us to support, without that concurrence, I think is disgraceful; nevertheless, at least at the Chief Justice's request that has been changed.

The second issue considered was that even the five years that were floated should be extended out to seven years, so there has been some improvement, but this is not in a form that should be acceptable to this parliament at present. I leave members with the crucial tenet that judicial independence, and particularly the independence from the executive arm of government, is fundamental to what we believe in in this state, what we fight for and what permeates our constitution, and it ought not be offended by this type of legislation just for the government to clean up a mess.

In respect of the amendments the Attorney has also tabled and had foreshadowed in correspondence in recent days, my understanding is that amendments Nos 1, 2, 4 and 6 largely deal with administrative matters in respect of allowing for a judicial registrar to hold a compatible, non-judicial office in that relevant court. Secondly, amendment No. 3 tidies up the provision that a judicial registrar is a judicial officer of the Supreme Court and, in respect of amendment No. 5, the definition of 'registrar' does not include a judicial registrar. I think they purely deal with machinery, given the variation of provisions in those respective acts, so we will consent to those. With those comments, I am happy to move to the second reading.

Mr TARZIA (Hartley) (12:09): I also rise today to speak to the Statutes Amendment (Judicial Registrars) Bill 2016. There is a quote that has been brought to my attention, and I wish to draw the house's attention to it. It was raised by the Law Society in its recent submission. In an address in 2007, Lord Phillips of Worth Matravers, Lord Chief Justice of England and Wales, observed:

The rule of law requires that the courts have jurisdiction to scrutinise the actions of government to ensure that they are lawful. In modern society the individual citizen is subject to controls imposed and enforced by the executive in every aspect of life. The authority to impose most of these controls comes, directly or indirectly, from the legislature. The citizen must be able to challenge the legitimacy of executive action before an independent judiciary.

I will come back to that. What is thoroughly raised in debating this kind of legislation, as the member for Bragg has pointed out, is the concept and the principles and statements concerning judicial independence, and how important it is that when one does hear contested matters. It requires a level of unfettered discretion and independence. We know that judicial independence is certainly central to the doctrine of the separation of powers. We know that the appearance of independence, no less than the reality, is extremely important, and that tenure and remuneration are crucial to that judicial independence and that it is particularly independent from the executive arm of government.

Judges in any sense should never feel that if they do not please the government of the day their salaries may be at risk. The member for Bragg has pointed out, quite importantly, that if tenure in some instances is reduced, then where we have so many cases where the government is a party to proceedings later in life they may interact again, and judges should never feel that if they do not for some reason please the government of the day, their salary may be at risk. An acting judge should arguably not be appointed to avoid making a permanent appointment—that is also a question that is raised. Part-time and probationary appointments, I agree, should be treated with much caution.

By way of background, in October the Attorney introduced the Statutes Amendment (Judicial Registrars Bill) 2016. It amends the District Court Act 1991, the Magistrates Court Act 1991, the Oaths Act 1936, the Supreme Court Act 1935 and the Youth Court Act 1993. The bill effectively creates a new judicial office of judicial registrar, but also takes a recommendation from former chief magistrate, Judge Bolton, to appoint a judicial registrar in the Magistrates Court. It extends this to appoint judicial registrars within the Youth Court, the District Court and also the Supreme Court.

The term of appointment has been mentioned to be seven years. It also allows the removal of the judicial registrar, by recommendation of the Attorney-General, for neglect of duty or dishonourable conduct. It must be with the concurrence of the Attorney and also the Chief Judge. Time and time again this word starting with an E comes up: efficiency. We have been told that these changes are put in place to create efficiencies in the courts, just like when the SACAT was brought in, allowing judicial registrars less complex proceedings with the only statute of limitation being on their inability to impose a custodial sentence. The jurisdiction for these registrars will be prescribed in the regulations and rules of the bill.

Unfortunately, I have to say that this certainly appears, at least at face value, to be a cheap judge measure, with an aim to fill positions within the courts which perhaps may be empty. Unfortunately, this government seems, time and time again, to be treating our courts and our legal system as a liability, when in fact it needs to be treating it as an asset. A transparent legal system, and a productive, working legal system, is fundamental to our democracy and to transparency in this state.

Perhaps if the government had not wasted money in other areas in the economy, by now we would have had a new courts precinct. We would not have courts in the city that, to be quite frank, are a disgrace in terms of the way that they leak. The way that some of these facilities have been mismanaged by the government is completely unacceptable. It is not good enough. Here we see another cost-cutting measure by the state government—it is not good enough.

The Law Society considers that the bill does not provide for judicial independence in the role of the judicial registrar, and nor does it encourage a high-calibre of applicants, they argue, in these positions due to the short-term nature of their positions. They also argue that the judicial registrar should be limited to considering administrative mediation and consent orders, which are uncontested matters. I note that the federal government has been using a system of judicial registrars for a number of years. These registrars have an unlimited tenure, I am told, and they hear only uncontested matters.

The point that the member for Bragg makes about terms is very effective. We would like to suggest amendments, which I imagine will follow in due course at the relevant stage, to have judicial registrars with either fixed terms for hearing only uncontested matters or no fixed tenure but with the ability to hear contested matters. I sincerely hope that the Attorney will consider these very important proposed changes. I have no doubt that, if they are not considered well in this house, they will be considered in the other place. With those few remarks, I commend the bill to the house.

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) (12:16): I thank those who spoke in relation to this bill. There are a couple of very quick things. First of all, this bill has nothing to do with disrespect or treating the courts badly; in fact, this bill comes before the parliament as a direct request from the courts. It is not a matter of me imposing this on them. This is a matter of them having requested this of me, and I am happy to accommodate their request. That is the first point.

The second point is that in the courts presently there are a great many very, very mundane routine activities which are undertaken by judicial officers whose time is very expensive and whose capacity to do more productive work is considerable. The idea here is that, instead of having a Supreme Court judge mucking around with listings or interlocutory applications or other matters of that sort of nature as a matter of course, there should be, particularly in the routine matter, an opportunity for these to be dealt with by a judicial registrar—a perfectly reasonable proposition.

As to the question about whether or not these people should be tenured, I am strongly of the view that these people are doing basically, essentially, routine business of the court. They do need to be legally qualified. These people are much more than glorified special justices. They do need to be people with legal qualifications. They do need to be in a position where, as the bill says, they have at least five years' standing as a legal practitioner. They are offered a period, which is a reasonable period, of employment or appointment, which is, in this instance, seven years.

The suggestion that by reason of them having a term of appointment they will somehow be compromised in dealing with matters before them where the state is a litigant is a completely bogus point. If that point were to have any validity here, I utterly reject it. A complaint has been made by those who raise this point about the fact that we have auxiliaries who have been filling in not on a five-year term or a seven-year term but on a case-by-case basis. Nobody has raised any questions about that and nor should they. There has never been a suggestion that auxiliary judges have done silly or improper things.

I completely reject the notion that in any way these individuals would be compromising their judicial independence by somehow ingratiating themselves to the state in decision-making. To then go on to illustrate that point by picking a large commercial matter, where we have a dispute over the building of a hospital which is worth \$1 billion or \$2 billion or whatever it is, and say that is an example of the sort of thing these judicial registrars might be confronted with is somewhat ridiculous.

I can assure the house that any significant commercial litigation is not going to be heard and determined by judicial registrars—I can guarantee you that. If we look quickly at section 16C and section 48A, they are both basically doing the same thing. What do they say? They say that what judicial registrars can do is, first of all, subject to the regulations, so we can put in regulations which say that certain things may not be done by them. Secondly, and I would suggest most properly, it is in the hands of the chief judge of the jurisdiction in which the registrar is to be sitting for the chief judge to determine what is or is not suitable for them to do.

That is judicial independence: the court is deciding for itself who the court is going to use and how they are going to use them. It also says that the court can specify this in their rules. Then we go on to say but, notwithstanding what I have just said, a court constituted of a judicial registrar in criminal proceedings may not impose a sentence of imprisonment. More importantly, if they are in the course of proceedings and it comes to their attention that they might ultimately be facing a proposition where they should perhaps be incarcerating somebody, they have to stop and hand the thing over.

There are limits on what they can do, there is an absolute prohibition on imprisonment, and there are such limits as may be set by the head of the jurisdiction, by the rules of the court or, if necessary, by a regulation made by this parliament. I am absolutely confident that they are entirely reasonable constraints on the use to which these registrars might be put. There is something Dickensian about the notion that we should have judges doing minor interlocutory matters and suchlike, particularly in the higher courts.

The other issue worth mentioning is contested matters. Every interlocutory application is a contested matter, in my experience, unless you are really lucky and your opponent falls over, but that is pretty uncommon. You want discovery of something and somebody does not want to give it to you, you go down and you have an argument; that is a contested matter. You want an adjournment of a matter and the other side does not want an adjournment of the matter, they want it to proceed, another contested matter, and so on. The idea that by reference to 'contested matters' you somehow are improving things—what you would be doing is rendering these people completely useless. All they would be are ornaments.

What we want and what the courts want is to have the capacity—and we are talking the head of the jurisdiction, not me—to say, 'Look I've got this person, they are legally qualified, and we, under our rules or by my direction, are satisfied this person is competent to do a particular class of legal work, work done by the court.' That cannot involve imprisonment of an individual, and it may be limited in any way above and beyond that that the head of jurisdiction thinks to be appropriate.

This is an intelligent way of providing assistance to the courts by actually saying to judges and magistrates, who are tenured judicial officers, that as little of their time as possible will be

occupied doing what amounts to essentially routine or low-level judicial activities. Of course, the time that they are freed up from doing those things is time they can be spending doing other things which require the judgment of a permanent judicial officer.

I am entirely comfortable with this. I think it delivers what the courts want. I do not believe that there is any risk that the heads of each jurisdiction will be attempting to get judicial registrars to do things that are improper, and it is clear that in any circumstance it is impossible to impose a term of imprisonment. For those reasons, I disagree with the amendments which I saw for the first time this morning.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: Attorney, could you please provide, if you have the information today or between the houses, the summary package of a Supreme Court judge and the proposed package of a Supreme Court judicial registrar in income and entitlements?

The Hon. J.R. RAU: The position of a judge is a matter which is the subject of reports by the Remuneration Tribunal. Between the houses, I will find out what the latest determination is, but it is in a public record.

In relation to judicial registrars, given that we do not even have the position yet, I am not aware of there being any settled or even mooted package for these people. Clearly, that is dependent, first of all, on whether we actually get the positions established and, secondly, what degree of seniority, or what degree of range of work, these people are going to be doing. If they are only going to be able to list matters for trial or do things that basically an experienced associate or listing clerk might do, then I imagine their package will be pretty small. If they are going to be allocated more significant duties then I guess the courts would be looking to pitch the package that they are offering these people at a level where they would attract suitable candidates.

There are many steps to go in that. The first step is that the bill gets up and we have a look at what the form of the bill is. If the bill is being completely gutted, they might decide they are not even going to bother doing it, but if the bill gets up in its present form then I imagine the courts will ascertain what they think are reasonable packages, given the degree of responsibility attached to the job, and I imagine that there would then be some conversation with the Treasurer around budgeting for those things in due course. That is definitely a matter for the future and a lot of the answer to that question will be bound up in what this thing looks like when we are finished with it.

Ms CHAPMAN: Given that the government's bill proposes that the court be constituted of a chief justice, puisne judges, masters and judicial registrars, and judicial registrars are under the masters and you have not decided yet how much you are going to pay judicial registrars, I would ask you to provide the information as to masters of the Supreme Court in relation to their income and remuneration package.

The Hon. J.R. RAU: Again, I think that is Remuneration Tribunal material, but my recollection is that a master of the Supreme Court has entitlements which, if I am not mistaken, are more or less identical to a District Court judge in terms of their remuneration and their pension entitlements. I believe that the masters of the District Court are more or less in the same position as a magistrate in respect of both of those things. Again, I will confirm that, but I am pretty positive that is the case.

To fill out my answer previously, I imagine that, once the court has a clear idea of the scope of duties these people might perform, they will wind up sizing the job, and therefore the salary package or whatever it is, and that will be some sort of percentage of whatever a judicial officer in that court has. Whether that is 50 per cent of it, or 60 per cent or 40 per cent, I do not know. However, I would be pretty clear on this: wherever masters sit in the hierarchy is above where this person would be sitting. Whatever the masters are getting, these people are going to be getting less than that. How much less? I think it depends on the size of the job.

Ms CHAPMAN: How much money has been budgeted in this financial year for judicial registrars?

The Hon. J.R. RAU: To the best of my knowledge, none, because we do not have the legislation to enable them to be employed.

Ms CHAPMAN: Is there any provision for judicial registrars in any of the forward estimate years?

The Hon. J.R. RAU: Again, to the best of my knowledge, no, because we do not have such a thing yet. That is what this is about. I would indicate, though, assuming this passes, I am very confident that the Courts Administration Authority will then engage in a conversation with the Treasury about how many of these people they might think it desirable to engage and at what salary packages.

Ms CHAPMAN: On the information provided, Attorney, in your letter of 27 October 2016, you wrote:

The use of Judicial Registrars would also give the Magistrates and Youth Courts greater flexibility in the conduct of matters which might currently involve the special justices of those Courts.

Could you expand on that? Does that mean they are not going to be used or less used? What is the situation?

The Hon. J.R. RAU: I am advised there are some matters at the moment which understandably are too complex for special justices, and by reason of that complexity they are not being heard by special justices now, but they are being heard by judges or magistrates.

Ms CHAPMAN: Like what?

The Hon. J.R. RAU: I will try to get some examples. Let me take that on notice. The point is that this is not intended to stop special justices doing whatever they are doing now, it is intended to provide an extra level of support for judges or magistrates over and above that which can be offered by a special justice. We are not pruning special justices back, we are just saying that given the limitations on what a special justice can do, this is a further layer of support for the tenured judicial officers.

Clause passed.

Clauses 2 to 10 passed.

Clause 11.

Ms CHAPMAN: I move:

Amendment No 1 [Chapman-2]—

Page 5, line 9 [clause 11, inserted section 16A(2)]—Delete 'term of appointment (which must be for at least 7 years), the'

This is the first of a number of amendments necessary to require that there be no fixed terms for the new position of judicial registrar but they have the capacity to hear contested matters. By that I mean trials of matters, not adjournment applications, as I think the Attorney quite churlishly put in some rebuttal to the need to have judicial registrars to deal with contested matters. In the event that this amendment fails, I indicate that I will withdraw the balance for the purpose of this House of Assembly hearing.

The Hon. J.R. RAU: I oppose this and the other amendments for the reasons I have already explained. As the deputy leader said, clause 11 is an example of a whole series of things.

Amendment negated.

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

Amendment No 1 [AG-1]—

Page 6, after line 3 [clause 11, inserted section 16A]—After subsection (10) insert:

- (11) A Judicial Registrar may, with the approval of the Attorney-General and the concurrence of the Chief Judge, concurrently hold office as a member of the Court's non-judicial staff if the non-judicial office is compatible with the judicial office.

Amendment carried.

Ms CHAPMAN: I move:

Amendment No 1 [Chapman-1]—

Page 6, line 29 [clause 11, inserted section 16C(1)]—After 'Subject to' insert 'this section and'

This provides for the first of a tranche of amendments necessary to impose the restriction on jurisdiction that judicial registrars would be able to hear; namely, they would need to be uncontested matters—that is, not trials—to enjoy the opportunity to be appointed for a fixed term, for all the reasons I have said in the contribution to date.

The Hon. J.R. RAU: For the reasons I have explained before, I disagree with the amendment.

Amendment negatived; clause as amended passed.

Clauses 12 to 21 passed.

Clause 22.

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

Amendment No 2 [AG-1]—

Page 10, after line 4 [clause 22, inserted section 7AA]—After subsection (10) insert:

- (11) A Judicial Registrar may, with the approval of the Attorney-General and the concurrence of the Chief Magistrate, concurrently hold office as a member of the Court's non-judicial staff if the non-judicial office is compatible with the judicial office.

Amendment carried; clause as amended passed.

Clauses 23 to 32 passed.

Clause 33.

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

Amendment No 3 [AG-1]—

Page 12, lines 2 to 5 (inclusive) [clause 33(1)]—Delete subclause (1) and substitute:

- (1) Section 7(1)—delete subsection (1) and substitute:
- (1) The court is constituted of the following judicial officers:
 - (a) the Chief Justice;
 - (b) the puisne judges;
 - (c) the masters;
 - (d) the judicial registrars

Amendment carried; clause as amended passed.

Clause 34.

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

Amendment No 4 [AG-1]—

Page 13, after line 14 [clause 34, inserted section 13]—After subsection (10) insert:

- (11) A judicial registrar may, with the approval of the Attorney-General and the concurrence of the Chief Justice, concurrently hold office as a member of the court's non-judicial staff if the non-judicial office is compatible with the judicial office.

Amendment carried; clause as amended passed.

Clauses 35 to 42 passed.

Clause 43.

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

Amendment No 5 [AG-1]—

Page 15, after line 24—After subclause (2) insert:

- (3) Section 3, definition of *Registrar*—after 'Court' insert:
but does not include a judicial registrar

Amendment carried; clause as amended passed.

Clause 44 passed.

Clause 45.

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

Amendment No 6 [AG-1]—

Page 16, after line 37 [clause 45, inserted section 10A]—After subsection (10) insert:

- (11) A judicial registrar may, with the approval of the Attorney-General and the concurrence of the Judge of the Court, concurrently hold office as a member of the Court's non-judicial staff if the non-judicial office is compatible with the judicial office.

Amendment carried; clause as amended passed.

Remaining clauses (46 to 49) and title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:39): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2016.)

Mr DULUK (Davenport) (12:40): It was many weeks ago, on the day of the blackout, that I was last on my feet on this—

Ms Redmond: The lights went out.

Mr DULUK: The lights went out in the parliament and indeed—

The DEPUTY SPEAKER: Let's hope you don't make that happen again.

Mr DULUK: —across South Australia

Ms Redmond: That was this government getting us back in the black.

The DEPUTY SPEAKER: Order!

Mr DULUK: Getting us back into the black—indeed.

The DEPUTY SPEAKER: Order!

Mr DULUK: It is important to note that the existing rules or requirements in the bill before us are somewhat burdensome. I know that for the member for Kaurana, back there in the Premier's seat, this is his test as a legislator and his test for the caucus—to see if he can get this bill through the parliament and show the Premier that he is ready to lead. Unfortunately, the way things are panning out, that is not going to be happening—but I digress.

It has been put to me that, for food truck vendors, having to navigate their way through the different costs and different rules for each council is quite burdensome. We could potentially look at some improvements by simplifying that permit system, particularly around safety and the technical standards and perhaps streamlining food safety inspections. Any regulatory change should be designed to remove red tape and to make positive changes that make it easier for new and existing business owners. It should not add layers.

This legislation fails to achieve this end. Instead, it is counterproductive. Instead, it introduces state government legislation that overlaps with local government and results in more bureaucratic oversight rather than less. The state government believes that the legislative changes proposed under this bill will be a silver bullet to job creation. I do not know how many bullets the government has in the chamber but, if this is another in a long line of silver bullet attempts to stimulate the South Australian economy, we are in deep trouble.

Just in the last half an hour, we have seen the collapse of the Gillman process, which has been an absolute shame. We have seen a shambolic handling of the Gillman site—an absolute debacle and a waste of money—by this government. The government promised 6,000 new jobs for South Australia and millions of dollars of government investment in the process, and it has all collapsed at midday today. It really is a sad indictment of this government. It is all too hard to look at mining and recycling work for 6,000 new jobs, so we are going to turn to food trucks to try to stimulate the economy.

We have had Olympic Dam. That has come and gone. We have had the Gillman debacle. Of course, we have the NRAH project as well, which is well and truly over budget. For me, one of the favourites, which came out for estimates, was the Investment Attraction Agency, which cost taxpayers \$13.6 million to administer \$15 million worth of grants. If this government were really serious about supporting small business and supporting jobs growth, it would actually get out of the way. It would not create bureaucracy. It would not create more red tape. Unfortunately, this bill will not reduce red tape for existing operators.

Those of us on this side of the house are not anti food trucks. We are very pro food trucks. We are very pro any small business and pro anyone who wants to go out there and make a fist of it. Indeed, the system should look out for and reward those types of people, those risk-takers in our economy, but this bill is not the bill and this framework is not the framework that should be in place in terms of food truck regulation.

We will not see a simplified permit system. The application approval process will not be any easier, nor will it ensure consistency across councils. It will not streamline food safety inspections: each council will still be able to conduct its own inspection. So, if you are operating in the Mitcham council in my area, which obviously overlaps with the Onkaparinga council, you could in fact have two different food inspection regimes for selling exactly the same product to a very similar market. I do not know how allowing for these types of inspections that are not standardised could possibly lead to the claim of reduction in red tape, as is proposed by the member for Kaurana in this bill.

Each council will still be able to conduct its own inspection. Essentially, councils continue to have the same role and responsibility for the management of food trucks as they do right now; it is just that we will have a bunch of state government bureaucrats administering the work and this process. We are just seeing another burden of administration.

I understand that the regulations councils will retain responsibility for the locations where food trucks operate, including the use of public roads and the minimum distance between land-based businesses and mobile vendors, and they must ensure that a mobile food vendor does not unduly interfere with vehicles driven on a road, vehicles parked or standing on roads, public transport or cycling infrastructure, and infrastructure designed to give access to roads, footpaths and buildings.

The effect is that councils can enforce restrictions on locations that could discourage food trucks, and they potentially could be used, deliberately or otherwise, to circumvent the intentions of this bill, leaving us with certainly no better outcome for the mobile food vendor industry and, indeed, leaving food truck operators worse off, with additional layers of government oversight to comply with.

I support reducing red tape; not further entangling South Australians in a web of regulations and bureaucratic red tape should be the desire of all of us. I do not support legislation that makes operating a small business more onerous. Local councils should be able to control what sort of businesses operate through sensible policy, just as they do with bricks and mortar businesses.

Mr WILLIAMS (MacKillop) (12:46): I am sure that most of what I am going to say has probably been said before by some of my colleagues, but I will put on the record my thoughts on the matter before the house. The reality is that not even the Labor Party over there is convinced about this matter. If they were convinced that this was a genuine way of saving the state, surely they would have a minister bring this matter before the house. They have gone half way: they have given up some government business time to allow this matter to be debated, but they have made sure that they have kept it almost at arm's length by ensuring that not one of the ministers is promoting or proposing this measure to the house. So, even the Labor Party is not convinced.

The notion that the economy of South Australia will be saved by having some food trucks running around is an absolute nonsense, but I am not surprised because one of the things I have learnt over the whole of my life, but particularly in the time I have been here observing much more closely the way the Labor Party operates, and the one thing of which I am absolutely convinced is that they have no understanding of the way business operates—no understanding whatsoever of the way business operates.

As somebody famously said a few years ago, the trouble with the Labor Party is that they think you can take a unionist, put a suit on them and turn them into a businessman: that is the reality. I do not know that there is anybody who sits on that side of the house I would call a businessman, somebody who has actually gone out, mortgaged their home, laid everything on the line, employed people and suffered through the vagaries of a marketplace and worked in that manner.

I do not think there is anybody on that side of the house who has been through the trials and tribulations of running a business, when you have all of your skin in the game—not just your skin but often that of your spouse and your children, their home, the roof over their heads, mortgaged to the limit, providing jobs for other members of our society, taking the responsibility to make sure that the business operates such that those jobs are as secure as they can be and then going out and facing the vagaries of the marketplace to ensure that the business operates and makes a return not just to give you some revenue to keep your home operating but to enable you to continue to employ other people. That is what running a business is about.

I can tell the member for Kaurua, who brought this matter to the house, that if you have not lain awake at night worrying about the mortgage and the business conditions that are impacting on it you have not been there and you do not understand what it is about. The Labor Party thinks that a businessman is somebody who goes to the bank, borrows a few dollars, invests a bit of money and sits back and watches the milk and honey flow. I can assure the member and his colleagues that that is not the way business operates.

If it were like that, everybody would be doing it. It would be pretty simple. Everybody would be doing it and we would all be multimillionaires. The reality of the real world is that it does not work like that. You have to be a fairly special sort of person to be able to take the pressure to run a business. You have to be a fairly special sort of person to be that in tune with your employees, to make sure that you do everything that you possibly can to ensure the survival of your business and look after your employees, who are very important people to you. Members of the Labor Party have no understanding or comprehension of the way that business operates and that part of our social structure.

The member for Kaurua in bringing this matter suggests that this is about encouraging entrepreneurs. I would suggest to the member for Kaurua that the way to encourage entrepreneurs is actually to get out of their way, unburden them—unburden those people and take the shackles off them—not put in more regulation, not try to rule what they do and not impose new and

ever-increasing taxes on them. That is the way to encourage entrepreneurs, but the member for Kaurna, I suspect, has no understanding of that either.

I noticed the other day—it was probably in InDaily, where I think he writes from time to time—that the member for Kaurna suggested that people who did not support this particular measure were out there standing up for big business, for the big end of town. This is the old Labor Party class warfare tactic, where anybody who opposes anything that they are putting forward is standing up for big business.

I have to tell the member for Kaurna that I do not know that a few food trucks driving up and down the road are going to impact on the Westfields of this world. I do not know that they are the target of the food trucks, but I guarantee that the businesses that sell a sandwich, that meet the needs of those who are out on the streets of our cities looking for a lunch or a morning coffee, are mum-and-dad small businesses. They are not Westfields—they are mum-and-dad small businesses.

Do you know what, Madam Deputy Speaker? It is those people who turn the wheels of industry. It is those people who turn the wheels of our economy in this state. Eighty-five per cent of the people employed in South Australia are employed by small and medium enterprises. They are not the big end of town. They are not the Westfields, not those great big multinational companies—85 per cent of people are employed in small businesses, mum-and-dad businesses that employ fewer than 20 people. They are quite often employing a handful of people in the kitchen, heating up pies, cutting sandwiches and making coffee.

They are the people who pay the rates to the local councils, who enable the councils to do all the things that they do. They are the people who keep those councils afloat, not some fly-by-nighter who can come in and cherrypick, have his food truck parked in the street for that hour and a half in the busy time of the day when there is a bit of money flowing and then, whoosh, he is out of there.

It is those mum-and-dad businesses that open up at 6.30 or 7 o'clock in the morning to get that early morning trade—people who might want something for breakfast or an early morning coffee on their way to work—and then stay open for all that quiet time between then and when they might sell another coffee mid or late morning, and then stay open and sell a sandwich at lunchtime, and then stay open until that late coffee or snack in the afternoon just before people go home. They stay open all day, and a lot of that time it is very quiet and not much cash is going into the till.

The so-called entrepreneurs who the member for Kaurna would have us believe are going to resurrect the South Australian economy are those who want to come in and cherrypick, make the easy dollar when there is plenty of foot traffic on the street and plenty of people looking to buy that sandwich or piece of cake and coffee. However, it is the mum-and-dad small businesses that are open all day, that are there in the evening when we want to buy something at the local deli, that are the ones that are going to suffer.

The other group that is going to suffer is our local councils. This bill proposes that every council in the state has to have a food truck policy—every council. So councils in my electorate, the Robe council, will have to have a food truck policy. I do not know whether there are food trucks—during the summertime I am sure there are mobile ice-cream sellers in Robe—but one thing I do know about a community like Robe is that commercial operators in a town like that have to make their money in the summer months, in the tourist season.

It is a seaside resort. Their season does not last all year, and the food truck operators who would want to come to Robe are not going to be there in the middle of winter at all, when the mum-and-dad businesses, which are there catering to the tourist trade during the summer, are still paying their council rates, still employing and paying the wages of their employees, still paying their bills for the other services and supplies they use. I seek leave to continue my remarks.

Leave granted; debate adjourned.

The Hon. T.R. KENYON: Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) BILL*Assent*

His Excellency the Governor assented to the bill.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the Speaker—

Local Government Annual Reports—Robe, District Council of Annual Report 2015-16

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

Attorney-General's Department—Annual Report 2015-16
Equal Opportunity Commission—Annual Report 2015-16
Legal Practitioners Education and Admission Council—Annual Report 2015-16
Legal Services Commission of South Australia—Annual Report 2015-16
Public Advocate, Office of the—Annual Report 2015-16
Public Trustee—Annual Report 2015-16
SAPOL Passive Alert Drug Detector Dogs (PADD)—Annual Report 2015-16
Regulations made under the following Acts—
 Family Relationships—Altruistic Surrogacy
Rules made under the following Acts—
 Magistrates Court—Civil—Amendment No. 15

By the Minister for Planning (Hon. J.R. Rau)—

Adelaide Cemeteries Authority—Annual Report 2015-16
West Beach Trust—Annual Report 2015-16

By the Minister for Industrial Relations (Hon. J.R. Rau)—

Construction Industry Long Service Leave Board—
 Actuarial Report 2015-16
 Annual Report 2015-16

By the Minister for Consumer and Business Services (Hon. J.R. Rau)—

Regulations made under the following Acts—
 Hairdressers—General

By the Minister for Agriculture, Food and Fisheries (Hon. L.W.K. Bignell)—

Dairy Authority of South Australia—Annual Report 2015-16
Regulations made under the following Acts—
 Fisheries Management—
 Aquatic Reserves
 Demerit Points No. 3
 Demerit Points No. 4
 Lakes and Coorong Fishery
 Marine Scalefish Fisheries
 Miscellaneous No. 2
 Miscellaneous No. 3
 Rock Lobster Fisheries No. 2

By the Minister for Tourism (Hon. L.W.K. Bignell)—

Regulations made under the following Acts—
Major Events—Santos Tour Down Under 2017

By the Minister for Small Business (Hon. M.L.J. Hamilton-Smith)—

Small Business Commissioner—Annual Report 2015-16

By the Minister for Defence Industries (Hon. M.L.J. Hamilton-Smith)—

Defence SA—Annual Report 2015-16

By the Minister for Local Government (Hon. G.G. Brock)—

Regulations made under the following Acts—
Local Government—Miscellaneous

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

Care of Children, The Council for the—Annual Report 2015-16
Dog Fence Board—Annual Report 2015-16
Guardian for Children and Young People, Office of the—Annual Report 2015-16
Heritage Council, South Australian—Annual Report 2015-16
Ikara-Flinders Ranges National Park Co-management Board—Annual Report 2015-16
Maralinga Lands Unnamed Conservation Park—Annual Report 2015-16
National Environment Protection Council—Annual Report 2015-16
Ngaut Ngaut Conservation Park Co-management Board—Annual Report 2015-16
Nullarbor Parks and Advisory Committee—Annual Report 2015-16
Premier's Climate Change Council—Annual Report 2015-16
Vulkathunha-Gammon Ranges National Park Co-management Board—
Annual Report 2015-16
Witjira National Park Co-management Board—Annual Report 2015-16
Yumbera Co-Management Board—Annual Report 2015-16

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

Institution of Surveyors—Annual Report 2015-16
National Heavy Vehicle Regulator—Annual Report 2015-16
National Rail Safety Regulator, Office of the—Annual Report 2015-16
South Australian Rail Access Regulation—Annual Report 2015-16
Tarcoola-Darwin Rail Access Regulation—Annual Report 2015-16

VISITORS

The SPEAKER: I welcome to parliament students from Flinders University, who are guests of the member for Davenport; people from the Carer Wellness Centre, who are guests of the member for Reynell; and students from Para Hills High School, who are or will be guests of the Minister for Health, the member for Playford.

Ministerial Statement

REPATRIATION GENERAL HOSPITAL

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (13:07): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: On Tuesday 25 October, the South Australian government announced an updated plan for the future development of the Repatriation General Hospital site. We announced that a consortium—

Mr Marshall interjecting:

The SPEAKER: The leader is called to order, and if he does not cease interjecting I will compel him to be in the house at 2.30.

The Hon. J.J. SNELLING: We announced that a consortium, led by South Australian based not-for-profit ACH Group, will deliver a unique health, education, ageing and veterans' precinct at the Repatriation General Hospital site, working closely with RSL-SA to ensure a continued significant veterans presence on the site. The ACH Group's 'Open Daws' consortium, which also includes the Adelaide Community Healthcare Alliance, Healthscope, Anglicare, Flinders University and the RDNS, replaces the RSL consortium as the proponent for future use of the Repat site.

In November last year, SA Health sought expressions of interest from private sector and not-for-profit organisations interested in using the Repat site for rehabilitation, health, education, aged care or community-related services. An evaluation panel received five submissions as part of the EOI process, of which three aligned with the objectives for the future use of the site.

In May 2016, the RSL consortium, led by the New South Wales based RSL LifeCare, was selected as the preferred tender option. The ACH Group's consortium was one of the three that met the objectives, and narrowly missed out in this original process. The state government's announcement last week followed receipt of formal advice from RSL LifeCare on Monday 24 October advising that, due to internal issues within the RSL consortium, RSL LifeCare and the consortium were formally withdrawing their submission for the future use of the Repat site. On the same date—

Mr Gardner interjecting:

The SPEAKER: I call the member for Morialta to order.

The Hon. J.J. SNELLING: On the same date, cabinet agreed to revise the successful proponent to redevelop the Repat site to the ACH Group-led consortium.

Mr Goldsworthy interjecting:

The SPEAKER: I call the member for Kavel to order.

The Hon. J.J. SNELLING: Of significance to the state, the Open Daws development will invest \$200 million into the Repat site. The plan will create up to 1,000 new jobs during construction, as well as at least 250 ongoing health and ancillary jobs. It is anticipated to inject \$20 million into the South Australian economy each year, once fully operational. There has been strong veteran involvement in the ACH Group's consortium, which has agreed to continue to collaborate with the veterans' community through planning and development of the site. The consortium will enshrine the site's important history by upgrading the chapel, Remembrance Garden and SPF Hall and museum.

Throughout this process, the state government has made it clear that our priority has been to maintain the Repat hospital site as a place where the community can access health, education and aged-care services. The Open Daws submission delivers on this, providing health and aged-care services, day hospital services, inpatient and outpatient rehabilitation services, facilities for education and training and an innovation hub, as well as residential accommodation for different community groups, including students, ageing in place, independent living units, veterans' housing and social and affordable housing.

Handover of the site is still expected to occur late next year, and I am absolutely confident the ACH-led consortium will deliver an outstanding and unique new precinct for the community.

The SPEAKER: The Minister for Health offered no provocation to the opposition whatsoever in that ministerial statement and yet was met with a torrent of interjections. Accordingly, I call to order the deputy leader and I warn, for the first time, the member for Morialta.

CHILD PROTECTION DEPARTMENT

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (13:13): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.E. CLOSE: Today, we welcome a significant step in the reform of our child protection system with the new Department for Child Protection beginning operation. The department has been established in response to recommendations from the Child Protection Systems Royal Commission, led by the Hon. Margaret Nyland AM. The chief executive of the department was appointed in September and started work yesterday. I welcome Cathy Taylor into this role.

She comes to our state with a wealth of experience, and I look forward to working with her as we reshape the way we help vulnerable families and, most importantly, the way we protect and nurture our children. Working with the community and the universal services of health and education on prevention and early intervention is a priority. The job of child protection cannot be left to the department on its own. As Minister for Education, I am committed to ensuring that education continues to play its role in supporting vulnerable children.

Improving our out-of-home care system is also critically important, and I am committed to supporting our current carers and increasing the overall numbers of carers in the system. Listening to children and including them in this process is essential. Our front-line workers are doing their best to help our most vulnerable children, and I thank them for the difficult and important work they do. We will need their skills and their empathy as we work to improve this system.

The new department will be responsible for coordinating the implementation of the government's response to the royal commission; partnering with government and non-government agencies to deliver preventative and responsive actions; receiving notifications of abuse and neglect; investigating notifications of abuse and neglect; managing the cases of children that are at risk of harm, are unsafe, neglected or abused; managing and supporting children and young people under the guardianship of the minister; facilitating out-of-home care for the children and young people at risk; and supporting the reuniting of children with their families where it is safe to do so.

So far, 28 recommendations from the Child Protection Systems Royal Commission have been accepted and a further 10 recommendations relating to legislative changes have also been accepted in principle. We have passed legislation to establish a commissioner for children and young people and have begun the recruitment process to fill this important role. The government will continue to work on our formal and detailed response to Commissioner Nyland's report.

GILLMAN LAND SALE

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:15): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.C. MULLIGHAN: The state government has been informed by Adelaide Capital Partners (ACP) that it will not proceed with the proposed Lipson Industrial Estate at Gillman. ACP has indicated this morning that it will not be completing settlement on a 150-hectare land sale contract—

Members interjecting:

The SPEAKER: The member for MacKillop is called to order. The member for Kavel is warned.

The Hon. S.C. MULLIGHAN: —with Renewal SA by 5pm today, Tuesday 1 November.

Members interjecting:

The SPEAKER: The member for Mount Gambier is called to order. If he interrupts the minister again, he will be forced to be in here at 2.30pm.

The Hon. S.C. MULLIGHAN: As a result, the land will be put out to the market, with the process to commence within days. By way of background, on 12 April 2016, the house was informed that in order to resolve a dispute in the High Court on the sale of the Lipson Industrial Estate (more commonly referred to as the Gillman land), the state entered into a deed of settlement and release. Parties to the deed were the urban renewal authority, Adelaide Capital Partners, Acquista Investments and Veolia Environmental Services, trading as Integrated Waste Services (IWS). The essential terms of the settlement included:

- IWS agreeing to discontinue legal proceedings in the High Court and not taking any further legal action regarding this matter;
- URA and ACP entering into a land sale contract for 150 hectares of land, known as the stage 1 land sale contract, with a fixed settlement date of 5pm, 1 November 2016 for the price of \$45 million; and
- Veolia and ACP entering into a land sale contract for 20 hectares of the stage 1 land. This separate contract binds Veolia to the same terms as those to which ACP is bound under the option deed, including the sale price of \$30 per square metre, with infrastructure to be provided by ACP to their site at cost. Settlement of this land sale contract is dependent on the settlement of the stage 1 land sale contract on or before today, 5pm, 1 November 2016. The state is not a party to this arrangement between Veolia and ACP.

Furthermore, the South Australian government agreed to pay, through the URA, the legal costs of ACP and IWS to an amount no more than \$2.2 million. In the event that the stage 1 land contract did not settle, which we now know to be the case, the following actions will occur: the option deed and stage 1 land contract will terminate, with no liability to ACP, URA or the state, immediately upon URA serving a notice of termination on ACP; and URA is obliged to invite developers, including IWS, to put forward proposals for significant development projects for portions of the land which are consistent with the state's strategic purposes.

I can inform the house that today's announcement by ACP follows the government recently receiving a proposal from ACP outlining an alternative settlement schedule for the stage 1 option land. Given the proposal's inconsistency with the deed of settlement that was agreed to by the parties following a lengthy negotiation, which was finalised in April, the government was of the view that any further revision to the arrangement could not be contemplated.

Furthermore, in accordance with the deed of settlement and release, the government is obliged, through a public expression of interest process, to invite developers, including IWS, to put forward proposals for part of the land that are consistent with the state's strategic purposes to accommodate significant development projects.

While the state government is obviously disappointed that ACP has not progressed as anticipated, it is important to note that pending any future sale and development of this land there still exists the real and exciting potential to create jobs for South Australians and further economic activity for this state.

Members interjecting:

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

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Hon. S.W. KEY (Ashford) (13:20): I bring up the 117th report of the committee, entitled Natural Resources Alinytjara Wilurara Regional Fact Finding Trip.

Report received and ordered to be published.

The Hon. S.W. KEY: I bring up the 118th report of the committee, entitled Annual Report July 2015 to June 2016.

Report received and ordered to be published.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. S.W. KEY (Ashford) (13:21): I bring up the 25th report of the committee, entitled Report into the Referral of the Work Health and Safety (Industrial Manslaughter) Amendment Bill.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE

Ms DIGANCE (Elder) (13:22): I bring up the 554th report of the committee, entitled Tod River Dam Safety Upgrade Project.

Report received and ordered to be published.

Question Time

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:23): My question is to the Premier. Does the Premier accept responsibility for failing to deliver the 6,000 jobs that he promised would result from the Gillman land sale?

Members interjecting:

The SPEAKER: The question is, of course, phrased in a rhetorical manner and may be answered in the same manner. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (13:23): Thank you, Mr Speaker, and I accept responsibility for the published BankSA data that's out today which says that business confidence is the highest in three years. I accept—

Members interjecting:

The Hon. J.W. WEATHERILL: I accept responsibility for one of the great international fashion festivals that wound up last week.

Mr Pisoni: Hear, hear!

The SPEAKER: The member for Unley is warned.

The Hon. J.W. WEATHERILL: I accept responsibility for the largest international conference that will ever be held in Adelaide at the magnificent new Convention Centre—

Members interjecting:

The Hon. J.W. WEATHERILL: —the Global Aviation Conference, here in South Australia. I accept responsibility for Lonely Planet nominating South Australia as the best place to visit in the whole of Australia and one of the five best regions in the world. I accept responsibility for the \$1 billion project we announced on the old Royal Adelaide Hospital site.

Members interjecting:

The SPEAKER: The leader is warned.

The Hon. J.W. WEATHERILL: It must be awful to wake up in the morning and hear the dulcet tones of the Treasurer talking about us having a three-year high in business confidence. It must be: gee, this is going to spoil what they expected to be a good day. The truth is that, despite all those opposite cheering and barracking for this project to hit the deck, they have got what they wanted: we are now the proud owners of 450 hectares of swamp. So, they have got what they wanted, but we are not going to be deterred.

Just as we played a key role in the development of the Bowden site, we purchased that, and now it is turning into an exciting housing and urban development, just as we sought to purchase the Tonsley site and played a role in assembling that, and now employing more people at that site than when Mitsubishi was operating, just as we have assembled the Lipson estate and are going to make sure that we turn that into an important industrial estate for the people of South Australia, we will not be deterred.

We know there is a choice about a government that is prepared to act and be an active partner in the modernisation of the South Australian economy or those that want to sit back—sit back—and just leave it to the market. We know what happens in small jurisdictions when you sit back and wait: nothing—that's what happens. We will, despite all the naysaying—

Members interjecting:

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

The Hon. J.W. WEATHERILL: Despite all the naysayers, there is a growing excitement about change that's occurring within the South Australian economy, its social fabric. Those opposite that continue to talk down South Australia are out of step with what is happening in South Australia. Increasingly, doubts are turning to the chief cheerleader in the negativity.

The Hon. J.J. Snelling: Whinger in chief.

The Hon. J.W. WEATHERILL: That's right, and those behind him must be desperately worried that—could it be another four years in the wilderness? Could it be?

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:27): Supplementary, sir: if the Premier doesn't want to take responsibility for this deal falling over, can he explain to the people of South Australia why this deal failed?

Members interjecting:

The SPEAKER: The Minister for Health is called to order.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (13:28): Apart from the fact that a cheer squad, led by the Leader of the Opposition, was trying to destroy the project—

Members interjecting:

The Hon. J.W. WEATHERILL: Very fascinating. Another important fact here is that the oil price has almost halved since 2003, when the oil and gas hub was first conceived, and that's obviously had an effect on the investing environment. Of course, there has been a series of legal actions that have been taken against the project, all of which have failed—

Mr Marshall: 'Unreasonable and invalid'.

The Hon. J.W. WEATHERILL: And overturned by the full Supreme Court.

Mr Marshall: What happened in the High Court?

The Hon. J.W. WEATHERILL: The Leader of the Opposition quotes from a single justice who was overturned by the full Supreme Court. The problem is he wants to read the bits that he likes and talk about—

Mr Marshall: 'Unreasonable and unlawful'.

The Hon. J.W. WEATHERILL: And overturned. This is an example of the way in which the Leader of the Opposition operates.

Members interjecting:

The SPEAKER: If the Leader of the Opposition makes another utterance outside standing orders, he will be removed under the sessional order. Premier.

The Hon. J.W. WEATHERILL: I can only just invite people to consider the ranting of those opposite to realise how unfit they are for office.

The SPEAKER: The member for Little Para.

Mr Duluk: Protection!

The SPEAKER: The member for Davenport will apologise.

Mr DULUK: I apologise and withdraw.

The SPEAKER: The member for Little Para.

BOWDEN AND TONSLEY DEVELOPMENT PROJECTS

Mr ODENWALDER (Little Para) (13:30): My question is to the Minister for Housing and Urban Development. Can the minister further update the house on the progress of the Bowden and Tonsley development projects?

Members interjecting:

The SPEAKER: The Speaker is most interested in the Bowden project and will act like a martinet if he can't hear the detail of it. Minister.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:31): I thank the member for his question. As many members would be aware, Bowden is the state government's first high-density urban infill project. It would be obvious to anyone visiting the site, albeit it is on the west of the city, that there has been steady progress on this \$1 billion project transforming what was once a derelict industrial site into a vibrant new community adjacent to the city's western Parklands.

When completed, the Bowden project will comprise more than 2,400 dwellings. The 16-hectare site will also include cafes, restaurants, offices, open spaces, parks and gardens. Mr Speaker, along with you, I had the pleasure last Saturday of visiting the site for the official opening of the Bowden Town Square and to see firsthand the progress that is being made on this exciting development which is being managed and delivered by Renewal SA.

The town square is significant, being the first stage of retail development in Bowden and will, over time, become the retail heart of the project. Since Bowden was launched by this government four years ago, 10 developments comprising over 250 dwellings have been completed and Bowden is now home to approximately 430 people. Public interest has been strong, with more than 450 apartments and townhouses sold off the plan to date. A further 150 apartments are currently under construction and work is anticipated to begin on a further 190 apartments within the next 12 months. A total of 19 development sites have been contracted by developers.

Unlike Bowden, which has a major focus on residential construction, the Tonsley innovation district is an economic project to create a mixed-use precinct on the former Mitsubishi Motors site off South Road at Clovelly Park. The government's vision here is to create a precinct that will support the transition of South Australia's manufacturing industry by providing a high-quality knowledge-driven precinct with researchers, companies and manufacturers focusing on value-added advanced manufacturing.

The private sector is projected to invest more than \$1 billion over the 20-year life of the project. There are now more than 1,000 people working at the Tonsley site between the more than 70 businesses and start-ups, Flinders University and TAFE. This is compared to when Mitsubishi last manufactured cars at the site in 2008 when, I am advised, there were approximately 800 people employed at the facility. These figures are projected to grow into the future.

The Tonsley innovation district has attracted investment by such high-calibre companies as Siemens energy maintenance and repair, the Hills Innovation Centre and medical equipment companies Micro-X and Signostics. Leading South Australian companies such as SAGE Automation and Rivergum Homes have also announced plans to announce operations within Tonsley; for SAGE, a new head office with approximately 120 staff, while Rivergum is investing in an advanced manufacturing and modular construction facility. Last year, Flinders University opened its new \$120 million computer science, engineering and maths school at Tonsley, part of the push to build our state's base of knowledge workers.

The success to date of the Bowden and Tonsley precinct developments shows the capacity of Renewal SA to deliver significant changes in land uses from former industrially blighted sites. I am looking forward to the future success of further precinct developments, particularly the existing Royal Adelaide Hospital precinct to be redeveloped into a leading residential, knowledge, innovation and research precinct and commercial and mixed use development.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:35): My question is to the Premier. When was the Premier first informed that the Gillman land deal with Adelaide Capital Partners was unlikely to proceed and who provided this advice?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:35): I thank the leader for his question. I am advised that ACP first made contact with the government early last week indicating that it was unlikely to be

able to complete settlement. The government responded in writing to ACP, advising that it expected full settlement on this date and that revised terms, which had been put by ACP to the government, were not acceptable to the government. At approximately 11 o'clock this morning, I am advised that ACP advised the government that it would not be settling the stage 1 land contract, which it was required to, to settle 150 hectares by close of business today.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:36): Supplementary: can the minister confirm to the house that that was, in fact, the very first time that the minister or the government actually understood that this was unlikely to proceed?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:36): I can't confirm that right now, but I am happy to see if there were any further representations made at an earlier date.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:36): Supplementary: when did John Hanlon, the CEO of Renewal SA, first inform the minister that the \$45 million would not be paid for the first stage of the Gillman settlement?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:36): I thank the Leader of the Opposition for his question. As I indicated in my previous answer, my understanding is that a letter was communicated to the government at the beginning of last week. If there are any communications outside of the receipt of that correspondence, then I will seek some advice on that and I will bring back an answer to the house.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:37): My question was: when did John Hanlon, CEO of Renewal SA, inform the minister that this deal, which was due for settlement today, was unlikely to proceed?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:37): I will come back with whatever that exact time was.

Members interjecting:

The Hon. S.C. MULLIGHAN: No, the leader is asking very specific questions about when advice was communicated to me. I actually understood his first question—not the supplementary, but his first question—to be about when the Chief Executive of Renewal SA advised the government. I now understand from his supplementary question that apparently he is now referring to that advice to me. I will come back to the house with an answer.

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

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:38): Can the minister confirm to the house that in fact he was in receipt of that advice well before this week commenced?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:38): I was certainly in receipt of that advice before this week because, as I just advised the house, we were informed last week.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:38): Can the minister give an accurate indication in weeks or months as to when he was informed of this likely outcome?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:38): Yes, of course. Three answers ago, I already undertook to do that.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:38): If the minister continues to assert that he has only just learnt about this, how does he reconcile that with the evidence that the Chief Executive of Renewal SA, Mr John Hanlon, gave to the Budget and Finance Committee earlier this year—

The SPEAKER: That's a hypothetical question.

Mr MARSHALL: He provided evidence to the Budget and Finance Committee that the settlement was not included—not included—in the budget for this year.

The SPEAKER: The leader will be seated.

The Hon. P. Caica: Put your finger away.

The SPEAKER: The member for Colton is called to order. The leader expressed the question as a hypothetical in his lead-in. Would he like to rephrase it so that it's not a hypothetical?

Mr MARSHALL: Was the minister unaware that in fact the state government's budget did not include the \$45 million settlement that was due today?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:39): There are two separate issues here. One is whether the government, and whether I as minister, was aware that there was a requirement for ACP to settle on the 150 hectares for a value of \$45 million. The other issue that the Leader of the Opposition alludes to in his question is about the budgeting for revenues by Renewal SA within the most recent budget papers.

Am I aware that those budget papers and indeed subsequent evidence was given to a parliamentary committee about that level of revenue being lower than the \$45 million? Yes, of course, I am aware of that fact. Why was that estimate made? Well, that is indeed a question which I understand perhaps the opposition may have intended to ask. He will be surprised to learn perhaps that ministers are not responsible for setting revenue targets and comprising budget papers themselves. If he is after an answer about why Renewal SA or why indeed perhaps the Department of Treasury and Finance inserted that revenue estimate, I will come back to the house with an appropriate answer.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:40): A supplementary, sir: why wasn't the full \$45 million settlement included in the budget?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:40): As I just said, the revenue targets, which comprise the final statements included in the budget papers, are not set by ministers. They are set by agencies, and in this case may well have been set either by Renewal SA or by the Department of Treasury and Finance or indeed by the two of them. I will ask their advice and I will bring it back to the house.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:41): A supplementary, sir: is the minister suggesting to the house that in fact the CEO of Renewal SA knew and budgeted for the fact that there would not be a settlement on 1 November but failed to inform the minister?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:41): No, that is not what I am suggesting.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:41): My question is to Minister for Housing and Urban Development. Since the minister has had responsibility for housing and urban development, has he met with or received a request to meet with any investors of ACP in respect of the Gillman deal, and, if so, when and who were those investors?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:41): I thank the deputy leader for her question. In fact, I believe she has already asked me this question in the house. I undertook to seek some advice about if such a request had been made. In fact, I think I said at the time that I could not recall off the top of my head. That advice still stands. I will come back with something more conclusive for her.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:42): A supplementary, sir: given that I have asked that question in May or September, have you inquired of your diary or your recollection or your department whether you have met with any of these investors or even who they are, if you can remember that?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:42): I undertook to provide the advice to the house. Clearly, I have not provided that advice to the house, and I will provide it when I have sought it.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:42): My question is to the Minister for Housing and Urban Development. Has the government now settled its Supreme Court action with the Adelaide City Council in respect of the acquisition of the Dean Rifle Range within the Gillman site for a sum of \$20 million? Will the minister confirm whether he considers that the government have acted as model litigants, given that their offer has consistently been \$1 million?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:43): There are a number of different elements to that question. I will endeavour to work through them. Have we settled with the Adelaide City Council? Yes. How much have we settled for? The number is not precisely \$20 million but it is very close to it; I think it is \$20.6 million or \$20.7 million. We have not consistently offered them \$1 million. We initially paid them a consideration for the land in excess of \$1 million, and since that time we have been negotiating with the Adelaide City Council. Those negotiations have been concluded and we have now been in a position to reach settlement.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:44): A supplementary, sir: what are the total legal costs to date in respect of those five years of proceedings?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:44): I assume the deputy leader means to the government, or does she mean to all parties? It is a bit difficult to ascertain from her question.

Members interjecting:

The Hon. S.C. MULLIGHAN: Well, she didn't ask me specifically. I would be happy to provide that amount to the house.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:44): My question is to the Minister for Housing and Urban Development. In addition to the \$2.2 million paid to ACP and Integrated Waste Services for legal costs, are there any further legal settlement costs to be paid in connection with this failed project?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:44): Renewal SA has been in receipt of crown law advice and the arrangements between crown law and other government agencies is they do charge those agencies for those services. My understanding is that, yes, there are additional costs, mainly comprising those, but I will provide a full breakdown.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (13:45): Are there any further payments to be made to ACP or IWS in terms of legal fee reimbursement?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:45): My understanding is that the advice that we previously provided to the house is that the full amount that would be required to be paid by the state is \$2.2 million and that there are no further payments beyond that \$2.2 million, but I will double-check that advice and provide that to the house if what I have just said is at variance with what the facts are.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:45): My question is to the Minister for Housing and Urban Development. Has the minister received any advice from the Renewal SA board on the proposed arrangements for the resale of the Gillman site, and, if you haven't, have you asked?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:45): My understanding is that this matter was considered yesterday by the Renewal SA board. As far as I am aware, there is a common understanding between the government and the Renewal SA board that Renewal SA will manage the sale process going forward—the issuing of expressions of interest and all of the processes that follow that. As to the content and the nature of the discussion, given that it only happened yesterday at board level, I have not received advice on exactly either that board paper or the nature of the discussion but, when I do, I am happy to provide it to the deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:46): Supplementary: is it the minister's understanding that the responsibility now, and control, in respect of the arrangements for resale of the Gillman site will be that of the Renewal SA board, and, if so, is it your understanding that they will be proceeding with the resale under the terms of the master plan which they had commissioned back in mid-2013?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:47): As I pointed out, I believe in my ministerial statement and also in my previous answer: yes, I think both the Renewal SA board and the government understand that Renewal SA will be superintending the sale process. They will be managing that sale process. We would anticipate it is done according to the state's objectives which, in very broad terms, include seeking proposals from proponents which provide for employment creation consistent with the state's economic objectives. That is it in broad terms.

If the deputy leader would like a reconciliation between the sale process and all the elements of the master planning process which has previously been undertaken, I will see if I can provide that reconciliation to the deputy leader and bring that back to the house.

RENEWAL SA GOVERNANCE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:48): Again to the Minister for Housing and Urban Development: has the minister now considered the governance model for Renewal SA as recommended by the Auditor-General in his 2014 Gillman report which in this year's Auditor-General's Report states that the board's approval for the board of management policy is still awaiting the minister's recommendation?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:48): I thank the deputy leader for her question. I understand her question to be: have I, as minister, considered the recommendations from the ICAC commissioner in terms of governance—

Mr Marshall: The 2014 Auditor-General's Report.

The Hon. S.C. MULLIGHAN: Yes: thank you to the leader. The deputy leader was doing a sufficient job communicating with me. Certainly, the relationship between government and Renewal SA has been considered as a result of those inquiries, and I will make those details available to the deputy leader.

RENEWAL SA GOVERNANCE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:49): Supplementary to the minister: can the minister confirm whether Mr Michael Buchan, who was found to be guilty of maladministration in respect of the Gillman deal, is still employed by Renewal SA, and, if so, in what capacity?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:49): The deputy leader already knows the answer to this question. She has asked it of the former minister for housing and urban development. At that time, he continued to be employed and my understanding is that, at this time, he continues to be employed. As to his title, as to what his role is specifically called, I can't remember off the top of my head but I will provide that to the deputy leader.

RENEWAL SA GOVERNANCE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:49): Supplementary: under the current board of governance arrangements, is the Chief Executive Officer of Renewal SA still accountable to you or has that been changed and is he now accountable to the Renewal SA board?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:50): I am not sure if the deputy leader is intending to link her previous question to the question that she just asked, in terms of who is responsible for the management of Renewal SA as an organisation. Clearly, that is the responsibility of the chief executive, who is appointed by the minister under the URA act. Even a cursory examination of that legislation would have provided the deputy leader with the answer to that question. In turn, he is of course responsible for the management of all the staff of the urban renewal authority, including the gentleman she just made reference to in her previous question.

RENEWAL SA GOVERNANCE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:50): Supplementary: is the minister aware that, in the establishment of Renewal SA and its subsequent statutory provision, the chief executive officer was made directly responsible to the minister, unlike in most other bodies, where they are responsible to the board? My question to the minister is: is that still the case? Is he still directly responsible to you as minister, or has that now been changed in the board of governance arrangements, to be accountable to the board?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:51): The deputy leader could perhaps get an understanding of how this might work, given the fact that the legislation hasn't changed in the intervening period. The chief executive—

Members interjecting:

The Hon. S.C. MULLIGHAN: Yes, yes—keep screaming about health precincts. It's desperate and it's not working. Have you got any further interjections you would like to make?

Members interjecting:

The Hon. S.C. MULLIGHAN: Have you got any further desperate interjections you would like to make?

Members interjecting:

The Hon. S.C. MULLIGHAN: Keep screaming, keep screaming. It's not working over there. Last legs.

Members interjecting:

The Hon. S.C. MULLIGHAN: Last legs.

Members interjecting:

The Hon. S.C. MULLIGHAN: Yes, that's right. Keep laughing. That's the Christopher Pyne model of what we do when we're uncomfortable. I understand the schooling that's occurred.

Members interjecting:

The Hon. S.C. MULLIGHAN: Keep laughing, keep laughing.

Members interjecting:

The Hon. S.C. MULLIGHAN: It's not working. Has the legislation changed, which requires that the chief executive is appointed by the minister? No, that hasn't changed. Has the governance relationship between the government and Renewal SA been reviewed as a result of the inquiries that have been undertaken since 2014? Yes, it has. If there are further changes to be made in that respect, I will advise the house accordingly.

RENEWAL SA GOVERNANCE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:52): A final supplementary on that matter, Mr Speaker, if I may: can the minister then clarify: as we are here now, is the chief executive responsible to you or to the board?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:52): I think I have just answered that. The legislation makes it very clear who appoints the chief executive and hence who that responsibility relates to. I have said that if there are further changes to that, I will make that available to the house in due course.

RENEWAL SA GOVERNANCE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:53): My question is again to the Minister for Housing and Urban Development. Does the minister know whether there is a direct line of accountability of the Chief Executive of Renewal SA to himself as minister or not?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:53): The deputy leader continues to labour this point, which I have answered time and time again in my previous responses. It is very clear, in the legislation, the relationship between the minister and the chief executive. She started her line of questioning as to whether there are any changes in that relationship and I have answered that question by saying that if there are changes to be made in that relationship, then I will advise the house in due course of those changes.

Ms CHAPMAN: Supplementary.

The SPEAKER: Supplementary? I thought the deputy leader assured that it was the last supplementary.

Ms CHAPMAN: I am happy to ask a new question.

The SPEAKER: A new question.

RENEWAL SA GOVERNANCE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:54): My question is to the Premier. When he was first responsible for the establishment of the urban renewal authority, trading as Renewal SA, and made a direct line of accountability between the chief executive and the Minister for Housing and Urban Development, to his knowledge, has that changed?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (13:54): No.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (13:54): I have a further question to the Minister for Housing and Urban Development. Was the Adelaide Capital Partners' oil and gas hub at Gillman, as it then was, identified as a potential site for Enerflex before it was offered 2,000 square metres near the Gillman site, and, if not, why not?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (13:55): I am not familiar with the organisation that the deputy leader refers to. I am happy to ask the advice of Renewal SA about that.

HEALTH INDUSTRIES SA

Ms COOK (Fisher) (13:55): My question is for the Minister for Health. Could the minister advise of the benefits of South Australia's biomedical and health precinct in Adelaide's West End?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (13:55): I thank the member for Fisher for her extraordinary interest in all things health. I had the great pleasure of being taken by the member for Fisher around her old stomping ground, the Flinders Medical Centre, last week, and very pleasing and informative it was.

South Australia is shaping up to become the home of the biggest health and biomedical precinct in the Southern Hemisphere with the opening of the new Royal Adelaide Hospital alongside the flagship South Australian Health and Medical Research Institute in Adelaide's West End. Our new Royal Adelaide Hospital is the centrepiece of the precinct and is central to an innovative health sector. The state government and our state's universities have invested significantly in the development of the West End precinct, employing thousands of staff right here in the heart of Adelaide's CBD.

The precinct integrates health care, education and research into one central hub which, along with the hospital, incorporates the magnificent SAHMRI building, the University of Adelaide's medical and nursing school—currently being constructed to the east of SAHMRI—the University of South Australia's new medical research facility, and potentially a new SAHMRI 2. The precinct is a centre of excellence, leading the nation with international best practice models and teaching, research and healthcare delivery.

Its strong commercialisation focus will drive research, develop new industries and attract foreign investment, as well as create jobs for an estimated 8,000 South Australians. It will deliver education to an estimated 6,000 students at any given time. Building on our significant investment in the state's health and biomedical precinct, the government has established Health Industries South Australia to generate inbound investment, stimulate exports and create employment in our rapidly developing health and biomedical sector.

To achieve this, Health Industries SA leverages the precinct's outstanding infrastructure, as well as the state's reputation for world-class health and medical education and the groundbreaking research and innovation of our universities, hospitals, research facilities and industry. The precinct's proximity to the Adelaide Riverbank Precinct is critical to its success. The recently upgraded and extended Adelaide Convention Centre, the world-class Adelaide Oval and the Adelaide Festival Centre, including the soon to be upgraded Adelaide Festival Plaza, draw together many opportunities for conferences, tourism and the arts.

All this is made possible by the government's vision and forward thinking over the last 10 years. Commentary in the past few days over the government's recently announced plans for the old RAH site has led to some bizarre calls for an international health precinct on that site. All it takes is a short stroll further west of that place to realise that such calls are, quite frankly, laughable.

NUCLEAR WASTE

Mr VAN HOLST PELLEKAAN (Stuart) (13:58): My question is for the Premier. Will the Premier still pursue the potential for South Australia to import and permanently store high-level radioactive waste regardless of whether the state Labor Party supports the proposal at its upcoming special convention?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (13:59): We just had a convention. I will just give you a bit of a short tutorial on internal Labor Party matters—

Members interjecting:

The Hon. J.W. WEATHERILL: —that's right, just a primer, basically—and that is that the Labor Party supported their leader. On the proposition that, if there is to be a change in policy, it should be presented to a special convention, I don't expect that that will happen anytime soon.

We are part way through a consultation process. We are presently in the citizens' jury phase of that. We are yet to see what emerges from even that process. The state government is yet to settle a position which will be in part informed by what the citizens' jury has developed as a consequence of this statewide consultation. So, we are a long way from settling a position that would then require us to approach a party conference asking us to alter our position in relation to the storage of nuclear waste. Presently, the party position doesn't present any barrier to us taking the next steps.

NUCLEAR WASTE

Mr VAN HOLST PELLEKAAN (Stuart) (14:00): A supplementary for the Premier: will the Premier rule out announcing whether his government will pursue the importation of high-level radioactive nuclear waste from overseas prior to the upcoming special convention of the Labor Party?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:00): I think there is a misunderstanding here. There is no upcoming special convention. There will be a special convention at a time when it is necessary.

Mr Knoll interjecting:

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

The Hon. J.W. WEATHERILL: It is not going to happen anytime soon. It may be a question of years away, depending on where we—

Mr van Holst Pellekaan: Will you rule out announcing it beforehand?

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

The Hon. J.W. WEATHERILL: I won't be making any announcements which are contrary to the position that we have resolved as a government and as a party.

Ms Chapman: You are going to announce it before the end of the year.

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

The Hon. J.W. WEATHERILL: It won't be a surprise to you because, before I say anything publicly, I will be speaking to you and indeed to your leadership because there is no way forward in relation to any of this without broad, bipartisan support, so rest assured you are not going to get any surprises.

CABINET DOCUMENTS

Mr KNOLL (Schubert) (14:01): My question is to the Minister for Local Government. Given the minister's statements around increasing transparency within local government meetings, why does the minister support decreasing cabinet transparency for ICAC and the Auditor-General?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:02): We don't—

Mr Knoll: Do as we say, not as we do?

The SPEAKER: The member for Schubert is warned.

The Hon. J.W. WEATHERILL: No, we have exactly the same policy in relation to cabinet secrecy as those opposite did when they were in government—in fact, no, we have altered it somewhat. We have actually released cabinet documents after 10 years. In fact, although I think, frankly, this was more due to accident than good management, there was a range of cabinet documents that emerged in the Gillman matter and, once some of them were put out, to make sense of them it became necessary for us to actually reveal many more documents. What we are trying to do is regularise the release of cabinet documents so that they are actually released as a consequence of a deliberate decision of government rather than just—

Mr Knoll: What about the Auditor-General?

The Hon. J.W. WEATHERILL: The same with the Auditor-General. There is no Auditor-General or ICAC anywhere around the nation that gets access to cabinet documents. There has been no government, at state or federal level, which has released cabinet documents in as generous a way as this government, and that's as it should be.

Mr Knoll: So, the Auditor-General was wrong when he made his comments?

The Hon. J.W. WEATHERILL: No.

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

The Hon. J.W. WEATHERILL: The Auditor-General and the ICAC commissioner haven't criticised us. They have acknowledged that it is public interest immunity which attaches to cabinet documents for good reason, and we are entitled to assert it. In fact, it's not even something that we are entitled to waive. For instance, with all of that nefarious activity that occurred when those opposite were last in government, we would love to have a look at all that—

Members interjecting:

The Hon. J.W. WEATHERILL: —but we are not permitted to—

The SPEAKER: The member for Schubert is warned for his interjection about there not being an ICAC when his party was last in office, and the Minister for Health is warned. Premier.

The Hon. J.W. WEATHERILL: —but we are not permitted to by reason of the public interest immunity. We have altered the set of arrangements that apply to all cabinet documents such that they are now available after 10 years, but the Auditor-General was surprised, frankly, that he was getting such routine access to cabinet documents and was unsurprised when we actually regularised the position which is no more or less than stating the status quo, which is that cabinet documents remain confidential.

CABINET DOCUMENTS

Mr KNOLL (Schubert) (14:04): Supplementary: can the Premier confirm whether he has read page 1 of the Executive Summary of the Auditor-General's Report that was released last week, where the Auditor-General states very clearly that there has been a change of government policy that is going to make his work a lot more difficult into the future?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:04): I don't think that's a fair understanding of what the Auditor-General said. I think what the Auditor-General acknowledges is that it was a short cut, frankly, for him to look at cabinet documents because they represent quite a neat summary, but what they also do is intrude upon cabinet confidentiality.

So, sure, do investigators want to get hold of everything they can get their hands on? Absolutely. Are there other interests that need to be protected, à la cabinet confidentiality? Yes. Do they have precedence in our system of government? Yes. Let's just be honest with each other for a moment: if those opposite were in government, they would be claiming precisely the same confidentiality for cabinet deliberations.

The Hon. P. Caica: Unless someone was giving them to us.

The SPEAKER: The member for Colton is warned. Supplementary, deputy leader.

CABINET DOCUMENTS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:05): To the Premier: given that the Auditor-General has given evidence to a committee of this parliament that after the September determination of cabinet they would change the rules in respect of access to cabinet material—that is, documents prepared for cabinet—which he has reported to in his annual report, and received a visit from the Attorney-General to explain to him what was going to happen, what was the basis for actually changing the rules, which you say is going to attend to the timely release of material?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection

Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:06): In relation to this matter, as the Premier has said, it is self-evident that cabinet documents are confidential documents. That is a universal proposition in parliaments around this country and, indeed, around the world where the British system of government exists.

The situation in respect of the Auditor-General is this. At some point in time—and I have not been able to ascertain exactly at what point in time, nor have I been able to ascertain by what means—it became a convention that the Auditor-General of the day (or it became a habit perhaps is a better way of putting it), when conducting an inquiry and seeking, as the Premier said, a shorthand summary of something which had been before cabinet, would visit one of the cabinet officers in DPC and say, 'Look, I am interested in whatever it is.'

The cabinet officers, without there actually being an explicit change of policy, as I understand it, started to get into the practice of obliging the Auditor in that respect. As best I can tell, and I have seen nothing to suggest otherwise, this was not an explicit decision of anybody and, for all I know, it has been going on for many years, including back possibly during the time of the previous Liberal government.

The point is that there was no policy as such that these things would be released. It appears to have been something that had just started to happen and had been happening for a period of time. The evidence of this is that, on occasions, members might have noticed that in the Auditor-General's various reports there have in the past occasionally been references to 'cabinet did this', 'cabinet said that' or whatever.

It was entirely appropriate, I would have thought, for there to be a single understanding within government and without government about the appropriate use to which cabinet materials should be put, so that determination was made; that applies to all people, whether it be the Auditor-General or the ICAC commissioner or whoever it might be, and that is the position.

I did speak with the Auditor-General about this matter and I did explain to him what was going on. He was aware of the fact that the practice in South Australia appears to have evolved in a way which was not consistent with what he understood to be the practice in other Australian jurisdictions, namely, that in other jurisdictions access of this type did not occur. That is essentially the position.

The SPEAKER: Supplementary, member for MacKillop.

CABINET DOCUMENTS

Mr WILLIAMS (MacKillop) (14:09): Given the Attorney's answer and his claim that this practice is universal, is he or anybody in his government aware that the New Zealand freedom of information law presumes that submissions made to cabinet aren't automatically kept from exposure to the public and the practice is that agencies regularly put on their websites submissions made to cabinet shortly after the end of the cabinet meeting—the scheduled cabinet meeting—and it's only the deliberations of cabinet or information which would harm the nation that is, indeed, kept in secret from the public?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:10): That's a fairly long question. I am aware that our colleagues across the ditch are routinely doing innovative things in a whole range of areas. I am not particularly familiar with exactly what they do in relation to these sorts of matters.

Further to my earlier answer—I do understand, though, I obviously wasn't present and those who were present will no doubt correct me if this is incorrect—when the Auditor recently attended at the Economic and Finance Committee, he did indicate that he had access to decision-making sets via departments, which is a different matter to a cabinet document. He also apparently made it clear that he had never had access to the detail of deliberations in cabinet.

I think what we are doing is regularising affairs and, as the Auditor-General said in his report, if it turns out that he feels in due course that he is in some way unable to do his duty as he would wish to do it, he would automatically therefore raise that with the government. All of us would expect

him to take that up with us if he found himself in difficulty, and we would obviously do whatever we could to be of assistance to him.

CABINET DOCUMENTS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:12): Supplementary: now that the Attorney-General has read the Auditor-General's Report outlining the new regime and his concerns about needing to have access to—

The Hon. J.M. Rankine interjecting:

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

Ms CHAPMAN: —the documents prepared for cabinet—

The Hon. J.M. RANKINE: Point of order, sir: the deputy leader doesn't have leave to make an explanation in her question.

The SPEAKER: I uphold the point of order. Deputy leader.

Ms CHAPMAN: I will rephrase the question. Now that we have just heard from the Attorney-General outlining what the Auditor-General has access to, and has read his report on this question, and has now had notice of the ICAC commissioner's concern—

The SPEAKER: The Deputy Premier, by the time this question will have finished, will have had time to go to his office and research it.

Ms CHAPMAN: My simple question then is—

The SPEAKER: Yes, well ask a question.

Ms CHAPMAN: —will he now reconsider the position given that both the Auditor-General and the ICAC Commissioner have raised concerns about the secrecy of this new proposal?

The SPEAKER: A good question is a fast question. Deputy Premier.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:13): I have tried to explain as fairly and as accurately as I can the nature of the conversation I had with the Auditor-General. If you read the remarks in the Auditor-General's Report—not my words, the Auditor-General's remarks—he is not intemperate about what's gone on, he's not complaining, he's not throwing the toys out of the cot. He is simply saying, 'There is a change in the way things are going to proceed. If I find that causes many a difficulty, I will speak to the government.' But he is not saying that it is causing him any difficulty.

As for Commissioner Lander's point of view, I wasn't present at the meeting of the committee to which the commissioner spoke the other day, but I have spoken to the commissioner myself about these particular matters. I think it is fair to say that so far as the commissioner is concerned, the view he has expressed to me was that he just thinks it's useful for there to be a set of rules that everybody understands and everybody plays with.

I think he acknowledges, as the Auditor does, that cabinet documents not just in South Australia but all around the country and nationally are regarded as a special class of document that is privileged from production to people outside of cabinet. As the Premier said, even people in cabinet who weren't part of a government earlier on don't get access to things that an earlier government or a different government was doing.

There is nothing alarming about this. If at any point in time either Commissioner Lander or the Auditor-General run into a problem, I fully expect—and I say on the public record that I fully expect—they would speak to me, or to the Premier, or to somebody who might be able to assist them with a view to seeing what we could do to enable them to do their job.

NETHERLANDS BUSINESS MISSION

The Hon. P. CAICA (Colton) (14:15): My question is to the Minister for Investment and Trade. Can the minister provide details about a business delegation from the Netherlands visiting South Australia?

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) (14:15): I thank the member for Colton for the question. Yesterday, the South Australian government did have the pleasure of welcoming an inbound business mission from the Netherlands, led by Her Excellency Ms Lillianne Ploumen, Minister for Foreign Trade and Development Cooperation. This was the largest Dutch business mission to ever visit South Australia and was cooperatively supported by the Department of State Development, Primary Industries and Regions, and the Department of the Premier and Cabinet.

I was honoured to attend the official launch of a business mission at the National Wine Centre. I addressed approximately 95 members of the Dutch delegation, involving companies from the agriculture and food industries, horticulture, Smart Cities, water, logistics and infrastructure sectors, along with local companies taking part in a business-matching event. The Netherlands is the sixth largest economy in the EU and South Australia's 21st largest export market, with merchandise exports valued at around \$130 million in 2015-16.

Major South Australian export goods to the Netherlands include beef, red wine, white wine and almonds. There is great potential for South Australia and the Netherlands to increase this trade and to do business across a range of sectors. We should be doing far more together. Following the official launch, I met with minister Ploumen to discuss issues of mutual interest, including water resource management, horticultural innovation and defence industries, the Netherlands being one of the biggest food producers and exporters in the world.

I later met with key executives from the Netherlands' Damen Shipyards Group, having seen them in Euronaval in Europe just the week before last. Damen is a bidder for the offshore patrol vessel program, which is the first of the national naval shipbuilding projects set to start at our shipyard at Techport. Should they be successful in their bid, the company will be building infrastructure at Techport swiftly. This is part of a broader story, and I will brief the house on that later in the week.

The South Australian government intends to visit the Netherlands on a business mission to Europe in 2017 to further develop the relationship with the Netherlands and for new business introductions to gain momentum, the aim being to create as many jobs, in both countries, as possible. I thank minister Ploumen and all members of the Netherlands delegation for their interest in South Australia and look forward to further strengthening the trade relationship.

FORMULA 1 IN SCHOOLS

Ms HILDYARD (Reynell) (14:18): My question is to the Minister for Education and Child Development. Can the minister provide details about SA students' achievements in an international competition?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:18): Yes, absolutely: Formula 1. Last week, three Brighton Secondary School students and their teacher were in Austin, Texas, to compete in the Formula 1 in Schools World Finals. What is important about this is of course that it is terrific fun for the kids, but what it is really about is making sure that students are able to combine a good knowledge of STEM subjects alongside the skills of how to use those combined to solve problems, and the problem in this case is how to make a vehicle go very, very fast.

This Formula 1 in Schools program has been a strength at the Brighton Secondary School. In 2012, the school's team, which was known as Cold Fusion, won the world championship in Abu Dhabi. The competition challenges students to design, manufacture, market and race their own model F1 cars and to do that they use computer software, so what you are bringing in is not only the STEM skills and the technical skills to build something but also the entrepreneurial skills that we know we need to develop in students in terms of marketing.

This is helping students to develop their STEM skills and the competition has the strong support of the Australian defence industry, which is understandably wanting students who are capable of combining all of those different skills as well as knowledge. We know that South Australia has world-class shipbuilders, obviously, and engineers. Our students, who are now able to compete with the best in the world, are continuing this proud tradition and give us great hope for the future.

This year, the Brighton students joined forces with a group of Victorian students and formed the team called Infinitude (which I do have to point out to you isn't a word), which competed in Austin. I am delighted to report that Infinitude came second out of 39 teams from all over the world. They set a new world record for the 20-metre sprint and claimed the fastest car award, and that was presented to the students by the Mercedes Formula 1 team. The world record bumped their overall score and qualified them for a garage tour of Mercedes at the recent F1 race at the Circuit of The Americas.

Obviously, what we are seeing here, for example, in team members Jesse Stevens, Nicole Kascak and Luke Battjes, are students who are grasping the future by combining their deep knowledge of STEM with a sense of fun and entrepreneurial spirit and competing across the world. What better example could we have of what we want to see for the future of our students and the future of our state?

CRAB BAG LIMITS

Mr BELL (Mount Gambier) (14:21): My question is to the Minister for Fisheries. Can the minister inform the house why he increased crab bag limits for commercial fishers, but not for recreational fishers?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:21): Thank you very much for the question, member for Mount Gambier. There was a story in the paper last week from an organisation that is not the recognised recreational fishing group here. I did look at that story and ask some questions of our people in fisheries and they said that it was actually factually incorrect.

What we do is we work really closely with RecFish SA and we have a really good relationship with them. I'm not sure who the other organisation are. I think they have just come about in the last year or so, but one thing that is really important is that we all just stick to the facts around fishing. It is really important. We have 277,000 people who go fishing in South Australia each year. It is a finite resource and we need to make sure that we have the right balance there, so for King George whiting, as an example, 48—

Mr KNOLL: Point of order: I would like you to ask the minister to come back to the substance of the question, which was very specifically about crab bag limits.

The SPEAKER: Does the minister have a tip for the cup?

The Hon. L.W.K. BIGNELL: Sir, we are talking about all the fish in the sea and how—

The SPEAKER: No, I think we are actually dealing with crustaceans.

The Hon. L.W.K. BIGNELL: Yes, we are, but we need to explain that there is a balance there between the commercial take and the recreational take and I was giving the example of King George whiting.

Mr Bell: You gave the commercial guys an increase you didn't give the rec. I'm just asking why not.

The Hon. L.W.K. BIGNELL: No, that's what it said in the paper. I'm not sure that that's accurate.

Mr Knoll: What is accurate?

The Hon. L.W.K. BIGNELL: I will bring an answer back.

Mr Knoll: You said you got a briefing from your department and now you still don't know the answer.

The Hon. L.W.K. BIGNELL: No, I didn't say I had a briefing. I spoke to the—

The SPEAKER: The minister will not respond to interjections. The red light will soon be flashing.

The Hon. L.W.K. BIGNELL: Thank you very much. I will bring back an answer to the house.

The SPEAKER: Pursuant to the standing orders, the house stands suspended.

Sitting suspended from 14:24 to 15:25.

Grievance Debate

ITALIAN EARTHQUAKES

Mr GARDNER (Morialta) (15:25): I rise on behalf of my community in Morialta in particular, but I am sure on behalf of the house and all South Australians, to extend my deep sorrow to all the people who have been impacted by the recent earthquakes in central Italy. Of course, the house would be aware that many thousands of people in my community are first, second or third generation migrants from Italy, and the Marche region in particular is one of the main areas my residents have come from, many of them after the Second World War.

The devastation that has been wrought upon these communities in recent days, weeks and months has been nothing short of extraordinary. The earthquake that hit in recent days has been noted as indeed Italy's most powerful earthquake in 36 years. In an extraordinary set of good fortune, my understanding is that nobody died as a result of this most recent earthquake, although tens of thousands of people have been rendered homeless and hundreds have been injured. Irreplaceable historic buildings have been destroyed—buildings that people in my community and people in South Australia grew up loving and knowing very well.

One of the factors that led to the lack of lives being lost was that a series of tremors and after-shocks in recent weeks happened when many of the social gatherings in this region were being held outside and that people were sleeping in tents, rather than in their houses, and that church services were not being held in many of the historic buildings that are now in ruins.

We were not so fortunate several months ago when 300 people died and hundreds more were injured and, again, thousands more were left homeless after the initial earthquakes particularly, which devastated the towns of Amatrice, Accumoli, Arquata del Tronto and Pescara del Tronto. It was an extraordinary natural disaster, leaving 300 people dead, and it had a big impact on South Australia's Italian community.

I was pleased to participate in a mass at St Francis Xavier Cathedral, where the Premier was also in attendance. It was important that the South Australian community contribute, given the thousands and in fact probably tens of thousands of people living in South Australia who were citizens of Italy and from that area. The taxpayers' contribution was \$100,000. The Italian community has been conducting further fundraising. I know that the Carabinieri Association held a fundraiser which the member for Unley attended, and Radio Italiana is having ongoing fundraisers. In particular, I want to draw the house's attention to the work being done by a committee that is doing significant fundraising.

Committee members include its chair, Cavaliere Cathy Papandrea; the secretary, Victoria Placentino; the treasurer, Mario Romaldi; the vice treasurer, Anna Farrugia and also Alessandro Vecchiarelli, Dr Angelo Fantasia, Cavaliere Frank Salzano, and Professor Nicola Sasanelli; Oliver Totani of Colliers, who ran an extraordinary auction at the fundraiser; Robert Ciufoli, the president of the Marche Club; Rosa Vorrasi; Sebastian Galipo, who donated an extraordinary amount of food to the fundraiser; Cavaliere Ufficiale Steve Maglieri who donated an extraordinary amount of wine to the fundraiser; Magistrate Cavaliere Ted Iuliano; Cavaliere Vincenzo Papandrea and Anthony Fioravanti.

The Premier was good enough to drop in on the fundraiser and give a speech, and the member for Torrens and the President of the Legislative Council were there for the Labor Party. The Liberal Party was represented not only by me but also by our leader; our deputy leader; the member for Hartley; the member for Unley; the Hon. Stephen Wade, the shadow minister for health; and

Clementina Maione, the Liberal Legislative Council candidate. We also reached further into our pockets to donate a further \$1,000 to the cause.

That night raised \$70,000 in one event for the victims of the earthquake. It was an extraordinary success as a fundraiser and a tribute to the power and the strength of the Italian community in South Australia that they, in their new home, feel such affinity with their homeland, and they are supported in doing so by all members of this house, I am certain.

NORTHERN SOUND SYSTEM

Mr ODENWALDER (Little Para) (15:30): Last Friday, I was really pleased to be invited to the official opening of the redeveloped mezzanine of the Northern Sound System in Elizabeth (the Mezz, at it is known) with the Minister for Education (the member for Port Adelaide) and representatives of the City of Playford and the Northern Adelaide Senior College, which has begun a very fruitful relationship with the City of Playford and, in particular, with the Northern Sound System.

I will get to the event itself shortly, but I want to remark that it is testament to the leadership of the Northern Adelaide Senior College, under principal Colleen Abbott, that the event itself brought together many people from all over the north, all of whom have had a stake in the school's success or a direct hand in facilitating that success. Indeed, it was something of a reunion of various leadership figures in Elizabeth over the last several years.

As well as the minister, who I know has been a big supporter of the Northern Adelaide Senior College (as has the Premier, in fact), we were also joined by the members for Light and Napier and my former boss and predecessor, Lea Stevens, and her husband, Mike, were there. As well as being a previous member for Elizabeth and, of course, well known to most of us here, Lea is also, of course, a former principal and a very long-time supporter of the college and its previous incarnation as the Para West Adult Campus. She has played a role behind the scenes in the college's various successes in recent times, and I think her contribution should continue to be acknowledged.

Dr Bev O'Brien was also there. Bev has worked in leadership roles across the north. She is an active Rotarian. She now works for the City of Port Adelaide, I understand, but chaired for a long time the college's governing council and did so over the most transformational period in its history. The mayor was there, of course, as well as representatives of both Playford and Salisbury councils and the Department of Education and the Department of State Development, and there was a room full of local educators, students and former students as well as a representative of the local federal member, Nick Champion.

I have spoken several times in this place about the Northern Adelaide Senior College. It is no exaggeration to say that this is a school that has been transformed over the last five or six years. Under Colleen Abbott's leadership, the college saw a change of physical location from its tired site in Davoren Park, well outside the Elizabeth CBD, to a co-location with Elizabeth TAFE in what is now known as the City of Playford's youth and education precinct. This is important not just because it is a new, refurbished facility but because it is located close to the Elizabeth City Centre as well as to the train station, Playford International College, the TAFE (obviously), St Patrick's Technical College and, importantly, the City of Playford's Northern Sound System, with whom they have built an extremely productive relationship, culminating in the Mezz.

The Northern Sound System, as those of us in the north know all too well, is quite an amazing place. It has been an investment across all levels of government (local, state and federal) at different times and a commitment to local music development, with recording studios, tutelage and video and multimedia production. As an aside, I was at the Northern Sound System a few months ago, with the Premier and minister Maher announcing \$100,000 of new funding to support local music in the north.

This co-location leads to obvious synergies, and it is a real model for community school partnerships. It is especially important in places like Elizabeth because it places a very heavy emphasis on early school leavers seeking to re-engage with learning and training. Indeed, the most rewarding part of the event itself was hearing from some of those students—from Josh, Sam, Emily and Leah. Each of these students had their own stories about their alienation from the traditional school system and the role the Northern Adelaide Senior College and its partnership with the Northern Sound System has played.

Each of them is achieving beyond their own expectations of just a few years ago, and each of them has gained skills and self-confidence which would have been difficult to gain in any other environment. The stand-out highlight for most of us (as I am sure the member for Light will attest) was Leah's acoustic cover of Michael Jackson's *Billie Jean* with her teacher and mentor, Dani. I have posted a video of this performance on my Facebook page. It is well worth a look.

Like Playford International College just down the road, the Northern Adelaide Senior College is an educational success story in Elizabeth, and it is testament to what can be achieved when progressive, driven school leaders reach out to the community and make sure that their schools become a real part of that community.

NEW BUSINESS VENTURES

Mr WINGARD (Mitchell) (15:34): I rise today to talk about a business that is doing wonderfully well in South Australia. We know that there is a lot to talk about when it comes to business. We know that South Australia has the highest unemployment rate in the nation and the highest youth unemployment rate on the mainland. There are grave concerns in the community about jobs of the future in South Australia. Today, the Gillman deal fell over, which saw another 6,000 promised jobs go up in smoke. The state Labor government promised that 100,000 jobs would be delivered earlier this year and they have not even reached a target of 3,000, which is deeply disappointing.

Also, a report into consumer confidence that came out today showed that it is extremely low in South Australia. In fact, the disparity between consumer confidence and business confidence has not been seen at these levels in this state since the global financial crisis. Confidence is extremely low and it is even worse on the West Coast and in the state's north in the wake of September's statewide blackout, which did untold damage to businesses in South Australia. We know that there is a lot of negativity around and it is always important to look for positives in tough times—and times are tough in South Australia.

A group of young people is doing a marvellous job and I would like to recognise them here today. Anton and Carlo Andreacchio (along with their father, who is famous for making movies here in South Australia) lead a team that consists of Edward Watson, James Taylor, Piers Mussared, Genevieve Rouleau and Greg Schrader. They are wonderful young South Australian people doing great work. They have started a company called Convergen and another called Jumpgate.

On September 30 this year, the Telstra AFL virtual reality lounge app was launched on the Oculus store, allowing viewers to watch live games in a virtual reality environment and experience the AFL Grand Final, the Brownlow, preliminary finals and the draft combine in a 360° environment. Jumpgate was the developer and production company behind the project, and I attended a demonstration and celebration of the launch of the Jumpgate company a few weeks ago.

Convergen is an animation studio that specialises in visualisation for major infrastructure projects. They work with architects and designers to communicate their vision behind projects, engage stakeholders and inspire the public. They have also been able to assist stakeholders through their designs and partner with companies looking to tender for advanced projects. Convergen has successfully delivered over 150 projects in areas as diverse as civil infrastructure, construction and mining and gas companies.

Jumpgate is a virtual reality production company that is constantly pushing the boundaries of technology as we know it. We know this push into the future is vitally important for generating jobs especially in South Australia, and that is exactly what this group is doing. Through a commitment to research and development, Jumpgate has been able to form long-term successful partnerships that have enabled them to explore and realise the value of virtual reality and the opportunities this technology creates. Working with the film industry, through codevelopment or production, bringing technical support and consulting services to projects is what they are about.

Jumpgate's work was used in sales and marketing strategies at Cannes. Jumpgate produced the first virtual reality horror film in Australia and supported the 2015 Adelaide Film Festival by partnering to create and manage the festival's virtual reality suite. Last year, Jumpgate partnered with the Adelaide Symphony Orchestra to create the Santos virtual reality lunchtime concert series. Jumpgate is currently exploring the value of virtual reality in live events, working to capture unique

experiences in virtual reality. AFL clubs are using different roles of VR in training, skills development and viewer experience. There is a breadth of opportunities within AFL.

I know they have been working closely with the Adelaide clubs and a couple of clubs in Melbourne to come up with training programs where players can work out stoppage plays at centre square stoppages and around-the-ground stoppages, so that players can actually be doing work on their recovery phase. Of course, AFL players train very hard physically. They need to have a day off to recover. On that recovery day, using this virtual reality technology, they are able to do a lot of training in the stoppage area, which is absolutely outstanding.

One of the most impressive aspects is that the Jumpgate-Convergen group have established themselves quite independent of government. They are kicking major goals, and while they might get the support of government as a client, major international companies are also vying for their services. South Australia, as we know, has these great skills and great people, and they are doing wonderful things even in a very tough climate, as I outlined at the outset. Imagine what these companies could be doing if we had a growing South Australia, if we had a government focused on growing business and growing jobs in South Australia. The sky is the limit.

PRIDE OF THE SOUTH

Ms HILDYARD (Reynell) (15:40): I rise to inform the house about an outstanding southern community group, Pride of the South. More than a year ago, I was approached in my office by different community members who identified as LGBTIQ about a desire to connect LGBTIQ community members in the south to support each other, to raise awareness about issues they were experiencing and to work together to progress matters that would mean they were better supported in our local and broader South Australian community.

I was very happy to get these wonderful community leaders together in my office and to support them to set up an identifiable group in the south which would bring people together around the goals I have mentioned and which would demonstrate to existing and new southern residents that our community welcomes and supports our LGBTIQ brothers and sisters. Since Pride of the South first unfurled their magnificent banner at last year's SA Pride March, at which they had numerous community members approach them to articulate how happy they were to see this group set up in the south, the group has gone from strength to strength.

Through social events, campaigning and raising awareness on crucial issues like marriage equality, connecting with local schools for IDAHOT Day and with local community organisations, and through reaching out to more vulnerable community members, they are making a difference in terms of ensuring our community is an inclusive and respectful one. I have had the great honour of working alongside these remarkable individuals. It is a group that continues to rapidly expand and has gained a level of prominence in the south.

In particular, I mention the generous and determined contributions by big-hearted community leaders Shayne Glasgow, Llewellyn Jones, Michael Tomas and Rex Moulds, who were essential to establishing the group. It boasts a growing membership and an abiding commitment to reaching out into our community to those who feel marginalised and impacted because of discrimination coupled with some antiquated views, held by a minority of people, that negatively impact the everyday lives of our LGBTIQ community.

Two weeks ago, this remarkable group achieved an outstanding result that reflects our community's inclusiveness and the compassionate spirit at the heart of our community. By working together, they successfully campaigned to make sure that the rainbow flag is flying over the City of Onkaparinga chambers for the duration of Feast Festival. It was my honour to stand with this group and to speak for and with them at the council. As part of my deputation to the council, I made the point that words are important and that symbols are important, and indeed they are.

I commended the council for its consistent message of 'strong, vibrant communities', and I made the point that it is an important message about inclusion and working together. As I travel throughout our southern community, I am reminded of these words with the council's own vibrant signage loudly declaring our togetherness. 'Strong, vibrant communities', as the catchcry of our community, is on signs, letterheads and websites in a spectrum of colours as a symbol of our

community's diversity, with the letters of each word interlinked, showing that there is as much that binds us as there is that defines us.

This colourful symbolism has always reminded me of the rainbow flag that celebrates freedom and the fight for inclusion and recognition for our LGBTIQ brothers and sisters. Flying the rainbow flag is an act of solidarity and a declaration by our community and our council in support of inclusivity. It says that love is love, and it is a flag of both human respect and human rights. The rainbow flag is a proud symbol with a rich heritage that has been defined by a worldwide social movement that says that we all deserve respect and equality before the law. It says that we are all equals, and that our sexuality should never preclude us from our communities. This is something worth celebrating. It is something worth doing loudly and proudly.

I am very proud that through Pride of the South's work, and through the actions of dedicated community members, the council, irrespective of a small number of dissenters with outdated views, voted to fly this flag. My sincere thanks to those councillors who moved, seconded and supported this motion. Our community has a long memory, and this vote will be remembered. A significant number of South Australian councils have been wonderfully accepting of our LGBTIQ community and have also agreed to fly the rainbow flag. I am happy to place on the record that the City of Onkaparinga can now be named amongst them.

It was my great privilege to be at the council chambers on 21 October to witness the raising of the rainbow flag. This was an historic occasion, as the flying of the flag represented a win for diversity and inclusivity for all community members. The flag will remain flying until this weekend when our community will gather for our very own inaugural Southern Pride March down Beach Road in our beautiful Christies Beach. I will proudly march with our LGBTIQ community members and will also proudly continue my support and deep respect for Pride of the South long into the future.

ADELAIDE CENTRAL ITALY EARTHQUAKE APPEAL

Mr TARZIA (Hartley) (15:45): I might firstly pick up where the member for Morialta left off, when speaking about the Adelaide Central Italy Earthquake Appeal which recently had a very successful function at the Marche Club. I think, before his time expired, the member for Morialta was also going to mention how the Italian consul, Dr Roberta Ronzitti, did such a fantastic job. She made a very moving speech and did a great job in supporting the evening. I thank Dr Ronzitti for the good work that the consul continues to do in supporting the Italian community in South Australia but especially in times like these, when we certainly need to rally around the community due to these most recent tragic events that have occurred.

It is also sad to see that, since this function, we have seen another very bad earthquake in the centre of Italy in Norcia, which has been devastating and has left a lot of damage. I sincerely empathise with the families who have been affected by this and wish them all the very best in picking up the pieces and getting on with their lives which, once these buildings are rebuilt, can slowly be put back together.

I also recently attended the Adelaide Central Italy Earthquake Appeal 'Restart the clock' function which was hosted by the Marche Club. There were many, many people—I counted over 300—there that evening. It was great to see so many people attend the event and support the cause, including members from both sides of the house, as my colleague has alluded to in this place.

I was lucky enough to be treated to fantastic hospitality as usual by the Marche Club as well as take part in various activities that were devoted towards raising funds for the recovery of the central Italy area. The event was certainly a success. I believe it raised \$72,000 to go back into helping the victims of this terrible earthquake.

I would also like to pay my respects and thank the committee, headed very ably by Cavaliere Catherine Papandrea and assisted by the many people on the committee who my colleague made mention of a little bit earlier, especially Oliver Totani. I went to school with Oliver Totani. He is a good soccer player, but he is an even better auctioneer. We were treated to a fantastic—

Mr Gardner: He managed to raise \$800 for dinner with me.

Mr TARZIA: He even managed to raise \$800 for a dinner with the member for Morialta, so there you go. Moving on to Rostrevor College, another big event took place in Paradise last night

when I had the pleasure of attending the Rostrevor College presentation evening on behalf of the member for Morialta. The night featured a suite of high-quality musical items accompanied by an acknowledgement of the successful students who won awards. It was also a great opportunity to catch up with some parents in the area and some old teachers as well as many of the students who were there. It is great to see the school doing fantastic work as usual.

The evening was a grand experience, and I would like to thank the school as well as the members of the board, parents, friends and volunteers of the school for giving us the honour of what we saw last night. It was also a privilege to present the Murphy House Award to one of the students, Alexander Gentilcore. Well done, Alex.

The night was also a chance to farewell headmaster, Simon Dash—a man who has led Rostrevor admirably over the last six years. It goes without saying that many of our private schools have obviously gone through certain challenges over the last few years, especially with the decline in the economy which has affected many people's ability to afford private school tuition fees. Not only that, we are the envy, if you like, in the east and north-east, as we have wonderful public schools as well which I suppose have also put pressure on private schools, so it has been a challenging time for private schools in the east and the north-east. Simon Dash has done a wonderful job. I wish him all the very best—

Mr Gardner: He's a good man.

Mr TARZIA: —with the next chapter in his life. He is a good man and I thank him sincerely on behalf of the community for his service. I am glad to say that, when a possum actually did enter into the speech night last night, he did crack a Queenslander joke that only a Queenslander can. I will add that this Saturday Rostrevor College will host its annual spring fair, featuring live music, show rides and a range of delicious foods. The fair is a great chance to bring together the local community. I encourage everyone to take the chance to attend this great event—

Mr Gardner: On Saturday.

Mr TARZIA: —on Saturday.

SUICIDE PREVENTION

The Hon. A. PICCOLO (Light) (15:50): Today, I would like to talk very briefly about what I think is a national tragedy in Australia, that is, the rate of suicide and, in particular, the rate of suicide amongst men. However, before I go on to that particular topic I would like to take this opportunity to congratulate the South Australian Italian Association, which held its first charity ball in many years on Saturday night. All proceeds from the ball were donated to the Central Domestic Violence Service, generally to support work undertaken by domestic violence people in this state.

Dr Phillip Donato, the president of the association, and his committee did a wonderful job in running the event, which was attended by, amongst others, minister Bettison, His Grace the Catholic Archbishop of Adelaide, the Leader of the Opposition and myself. It was great to see the issue of domestic violence in the consciousness of other communities in our state.

Getting back to the major issue I want to raise today, in late September this year the ABS released its data on suicides for 2015. I am sad to say that suicide is again the leading cause of death of Australians aged 15 to 44. That clearly demonstrates that a greater national effort on suicide prevention is needed. The report released by the ABS shows that 3,027 Australians died by suicide in 2015. That represents an increase of 5.4 per cent from the previous reported figure of 2,864 in 2014.

Also of great concern is the fact that 80 per cent of people who suicide are, unfortunately, men. Quite disproportionately, men commit suicide more often than women. When you actually track some of this data, it is interesting that men who were depressed adolescents in the 1990s, when we had a surge in youth suicides—and obviously we have put quite a lot of resources into addressing that issue—have carried their suicidality with them into middle age, leading to the highest suicide rate in 13 years for that group aged 40 to 44.

Suicide is the leading cause of premature mortality in Australia, but rates have been particularly stark in men, again aged 40 to 44 years, with 18.3 per cent of male deaths in this age

group attributable to suicide. In November 2015, the federal government, as part of its response to the National Mental Health Commission Review of Mental Health Programmes and Services, announced a renewed approach to suicide prevention through the establishment of the National Suicide Prevention Strategy.

The strategy incorporates a whole range of things. Like most national strategies at the federal level, it all sounds very good, but what I think is lacking is a greater understanding of what the causes of suicide are in our community, particularly amongst men. If you do not understand what the cause of suicide is, it is very hard to deal with it. However, the strategy has some very worthwhile endeavours in terms of suicide prevention, including a decentralised model of having prevention at the local level through the local health networks.

To deal with suicide prevention, research tends to show that suicide and suicidal behaviour arise from very complex social, situational, biological and other individual causes, which isolate people and also, importantly, erode their sense of hope or their sense that there is light at the end of the tunnel. We need to understand those things, and particularly how they impact on men, so we need to invest in research if we are going to truly tackle this issue.

Some factors which correlate with suicide in men are, clearly, men who experience depression have a higher rate of suicide; men who experience relationship breakdowns are at high risk of suicide; obviously, for people who have attempted suicide at any stage there is a strong predictor for future suicide endeavours; matters related to alcohol and drug abuse are also correlated; importantly, unemployment is a very major significant factor in male suicide, particularly amongst men in rural areas; and men in particular industries, like construction. It is the financial factors in these communities, in these sectors, which often are not well understood.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:56): I move:

That standing orders be and remain so far suspended as to enable the report of the Auditor-General for the year ended 2015-16 to be referred to a committee of the whole house and for ministers to be examined on matters contained in the report in accordance with the timetable as distributed.

Motion carried.

In committee.

Mr SPEIRS: Premier, turning to the report of the Auditor-General Part A: Executive Summary, pages 1 and 2, what is the rationale for preventing the Auditor-General and other investigative agencies, including the ICAC commissioner, from accessing cabinet documents to assist with their investigations?

The Hon. J.W. WEATHERILL: There is no essential change in policy, as we discussed in question time today when a number of these questions were asked. The rationale is the same rationale that affects Westminster systems across the whole of the nation, indeed, the whole of the commonwealth, which is essentially that cabinet deliberations and documents are to be maintained as confidential. So there is no fundamental change in the policy position, and the rationale for that is the same rationale that is governed by every Westminster parliament.

I think what had occurred is there had been some degree of laxness that had developed in the way in which documents were being handed over to various agencies without the knowledge or approval of executive government simply through a process of practice which had grown up. I am not entirely sure how or when it emerged, but certainly over a period of time it has occurred.

These investigative agencies find it convenient because it provides a shorthand summary of decision-making processes. Of course, there are other ways of achieving those summaries, and so it is a better way of dealing with it because otherwise it tends to intrude on this cabinet confidentiality, which has been a feature of the Westminster system.

Mr KNOLL: On the same part, Premier, has there been any suggestion that the Auditor-General, or anyone in his department, has misused cabinet documents in any way?

The Hon. J.W. WEATHERILL: No, it is not really a question of misuse. It is really a question of intruding upon a long-regarded foundational feature of the Westminster system, that is, that cabinet can deliberate in private and people can share frank views, and that those deliberations will not be presented publicly except to the extent of the final decision, which is of course represented by a decision of the whole of government.

Indeed, I think when those opposite were last in government they had a little bit of experience in the breakdown of cabinet, from where a lot of things were leaked, which tended to destroy the sense of unity which should otherwise exist in a government. There are some sound reasons why that should occur. If people come into cabinet thinking that their deliberations may be leaked or shared, whatever the final result is, then they may be less willing to be frank in that environment. I think that there is a lot of evidence of this.

During the previous Liberal government, things were not brought in to cabinet that should have been brought in because of the fear between the two warring tribes within the Liberal Party that one would then use that against the other, and we saw ample evidence of that.

Mr KNOLL: Point of order: can I ask you to bring the Premier back to the substance of the question?

The CHAIR: Just a minute. I am sure he is coming back to the substance of the question. Premier.

The Hon. J.W. WEATHERILL: I think it is germane. The point is: is there is a sense in which the Auditor-General has misused the data? No.

Mr Knoll interjecting:

The CHAIR: Order!

Mr Knoll interjecting:

The CHAIR: Member for Schubert!

The Hon. J.W. WEATHERILL: I think it has, actually. The point is that, if one is to get one element of the cabinet process, a document, it may only be able to be understood in the context of the broader deliberations that occur. If you look at just a segment, if you like, of the cabinet deliberations by looking at one document, it may only be capable of being explained by looking at the broader context and, indeed, some of the deliberations that may have occurred.

For instance, what emerged, and what did occur in the context of the Gillman inquiry, was the difficult situation where people were just looking at documents and not necessarily at some of the things that were not documented but which were raised in debate in cabinet.

Of course, the difficulty there is that, once you look at some part of the cabinet process, you are then obliged to reveal the whole of the cabinet process to create that context, and then very quickly you have a breakdown in the confidentiality of the collaborative deliberation process. The idea of a collective decision which is representative of the decision of all ministers, despite what their perspective may have been in the context of the cabinet, is undermined. This is very fundamental.

I note today that in his public remarks the ICAC commissioner noted that the claim of privilege was a proper one and that there may be sound reasons why the government may claim that privilege, and we do. This really just regularises something that would no doubt be the case if those opposite were on the Treasury benches.

Mr KNOLL: I refer to the same part. Premier, you said in your answer that this is largely in step with the tradition of Westminster governments across the world. How do you accord that statement with the fact that Victoria and the commonwealth give their Auditor-General broad access to cabinet documents?

The Hon. J.W. WEATHERILL: That is not our understanding from the advice we have received from our Auditor-General. Of course, we still reserve the right to provide the Auditor-General

access to our cabinet documents upon request in a proper case. We are not denying them access; we are just saying that the unregulated and unsupervised sharing of those documents is something which is going to be dealt with. That is all it is. Frankly, the Auditor-General expressed surprise to the Attorney-General that he had such broad access. He also noted in that context that the approach taken here was not consistent with the approach taken in other states.

We are simply regularising something that should be the case. In a proper case, if the Auditor-General or indeed the ICAC commissioner requests access to cabinet documents, and it would otherwise impede their capacity to investigate, then of course we will cooperate to the fullest extent that we think is appropriate; and, indeed, we did in the Gillman case.

Mr KNOLL: The Victorian Audit Act 1994 states that sections 11 and 12 of the Audit Act give the Auditor-General the power to access documents held in departments that are relevant to matters under consideration by the Victorian Auditor-General's office, including cabinet documents. How does the Premier continue to stand up here and say that this is consistent with access in other states when the Victorian government's own legislation gives clear access to cabinet documents to their Auditor-General?

The Hon. J.W. WEATHERILL: The Auditor-General still will have the capacity to access cabinet documents in a proper case; it is just that it will not be in an unregulated sense. It will be done in a proper and regulated way.

Mr SPEIRS: When attending a hearing of the Economic and Finance Committee on Monday 24 October 2016, the Auditor-General outlined his view that his job would be made more difficult by the decision not to give access to cabinet documents. Does the Premier agree with the Auditor-General's view?

The Hon. J.W. WEATHERILL: I think the Auditor-General also said to us, 'Of course, it provides a neat short cut to be able to look at cabinet documents, rather than assemble the history of the matter using departmental documents in the ordinary way.' That slight degree of inconvenience needs to be weighed against the public interest immunity associated with protecting the confidentiality of cabinet. They are the two interests that have to be balanced, and we have made a judgment about that. But in a proper case, I do not think he is asserting that he has been impeded or impaired in any way, and if he runs into difficulties I am sure he can make it known to us.

Mr SPEIRS: Moving on to page 27 of the Executive Summary and the fourth bullet point, had the ICT Services division previously been located in DTF before it was transferred into DPC and then back into DTF? Did it start off in DTF?

The Hon. J.W. WEATHERILL: I think what happened was that ICT Services was with DTF, and it was transferred to DPC in preparation for tranche 4 of the Shared Services reform. When the tranche 4 ICT Services element was abandoned, it has now been transferred back to DTF.

Mr SPEIRS: Were there any costs associated with transferring the division between the departments in either instance?

The Hon. J.W. WEATHERILL: I understand that there were very little or no costs because it was merely a machinery of government change.

Mr SPEIRS: Moving on to Part B of the Auditor-General's Report, page 312, the section on the Department of the Premier and Cabinet, is the Premier concerned that the Auditor-General described his department's processes for procuring services from 57 Films as 'inadequate'?

The Hon. J.W. WEATHERILL: Yes, and we have taken steps to remedy that, but it might be an appropriate point for those opposite to apologise for the false allegation of conflict of interest against the head of the Department of the Premier and Cabinet. They were running around spreading that piece of misinformation and, of course, the Auditor-General has found that there is no evidence of conflict of interest.

There are some issues associated with the procurement process, and they have been remedied. 57 Films provide excellent service. The particular procurement for the Shandong inbound delegation in September and the 2015 Paris trip were undertaken at short notice due to the urgency of work requirements for which 57 Films were ultimately engaged.

It is worth noting that 57 Films have now gone on to win some substantial contracts with the Qingdao region, where they are now essentially performing work and creating jobs and opportunities here in South Australia and also taking South Australia's story to millions and millions of Chinese people. They have provided excellent service. There were some issues around the procurement which have since been resolved.

Mr SPEIRS: Was the dismissal of executive director, Paul Flanagan, related to his involvement in the mishandling of the procurement process of 57 Films?

The Hon. J.W. WEATHERILL: No.

Mr KNOLL: On that same line, why was Paul Flanagan dismissed?

The CHAIR: Why was?

Mr KNOLL: Executive director Paul Flanagan dismissed.

The Hon. J.W. WEATHERILL: The chief executive—I will bring back an answer.

Mr SPEIRS: On page 314 of Part B, paragraph 3 states 'declaration of potential conflicts of interest'. Can the Premier identify the potential conflicts of interest described in this section?

The Hon. J.W. WEATHERILL: We are on page 314?

The CHAIR: The third dot point, which starts with, 'We also found that risk assessment.'

The Hon. J.W. WEATHERILL: I think that is best understood as a reference to the process associated with the procurement. I do not think he is talking about any particular conflicts of interest; it was the absence of a process of the declaration of potential conflicts of interest that was the subject of some criticism and should have been the subject of improved process.

Mr KNOLL: Following on from that point, Premier, you are suggesting that there were no conflicts of interest, yet you are also suggesting that the process for declaring conflicts of interest was not up to scratch. Surely, if the Auditor-General put it in the report there is a reason behind why it has been stated in there and what is being done to improve the situation.

The Hon. J.W. WEATHERILL: I think we are talking about two different things. It is not our suggestion that there is no conflict of interest. There is a finding by the Auditor-General that there is no evidence of a conflict of interest. What he is referring to further on is the process and the weaknesses in the procurement process, which include particular documentation about:

...risk assessment, declaration of potential conflicts of interest, identifying evaluation criteria and documenting the evaluation for the procurement process for Shandong out-bound and in-bound delegations...could have been improved.

Mr SPEIRS: Moving back to page 313, the second-last paragraph of that page states:

The total of procurements to 57 Films from May 2015 to March 2016 exceeded \$446,000 (including GST).

What was the total cost of procurements awarded to 57 Films between May 2015 and March 2016 in excess of the \$446,000 identified here?

The Hon. J.W. WEATHERILL: I think we had best take that on notice. We will bring back an answer.

Mr SPEIRS: You may have to do the same with this one, Premier. Does the \$446,000 figure include or exclude the more than \$45,000 in travel and accommodation costs paid for by DPC on behalf of 57 Films?

The Hon. J.W. WEATHERILL: I will take that on notice.

Mr SPEIRS: Again, in the same vein: what was the total value of travel accommodation and other disbursement costs met by DPC on behalf of 57 Films?

The Hon. J.W. WEATHERILL: I will take that question on notice.

Mr SPEIRS: Did any of these costs relate to expenses incurred by members of the family of the Premier's chief executive?

The Hon. J.W. WEATHERILL: I will take that question on notice.

Mr SPEIRS: Moving back to page 314, we have a statement that, in response to the concerns around the procurement process for 57 Films, DPC acknowledged our findings and advised that they would conduct procurement training workshops to be completed by December 2016. Can the Premier confirm whether or not these procurement training workshops have occurred?

The Hon. J.W. WEATHERILL: I will bring back an answer. We do not know what the progress is on those, noting that they are to be completed by the end of this year.

Mr SPEIRS: Again, in the same subject area, and the Premier may have to take this on notice as well, can the Premier confirm whether staff from his ministerial office have or are planned to attend those workshops?

The Hon. J.W. WEATHERILL: I understand this is for public servant staff of DPC, so I would think not, but I will make some inquiries and bring back an answer.

Mr SPEIRS: Premier, can you confirm whether your chief executive, or either of your deputy chief executives, is planned to attend these workshops?

The Hon. J.W. WEATHERILL: I will bring back an answer to that question.

Mr SPEIRS: Moving to page 315 of Part B of the report, in the fifth paragraph under Shared Services SA, is the Premier able to identify which main Shared Services SA payroll system controls were considered not to be effective as described in the fifth paragraph of this section?

The Hon. J.W. WEATHERILL: A number of concerns have been raised by the Auditor-General about the process for managing changes to the tools developed for the migration of data to CHRIS 21 which need improvement. CHRIS is the payroll system, so that is the system we are talking about. They include things like logging all changes in a change register, risks being identified and assessed prior to the change being implemented, independent testing of all changes being undertaken before they are implemented, and formal authorisation of all changes into production. There have been no material pay issues experienced by employees as a result of the migration, and the Auditor-General's advice is that these are all things that are readily resolvable.

Mr SPEIRS: Can the Premier advise what the implications are of these controls not being effective?

The Hon. J.W. WEATHERILL: In terms of the consequences, it does not threaten the savings targets or the overall efficacy of the system. We process over 100,000 employee pays each fortnight. Of these, about 99.76 were processed without error in 2015-16. That demonstrates that it is a robust system. In terms of benchmarking, when compared with other jurisdictions, Shared Services had the lowest process cost per invoice and the lowest process cost per payslip.

Some of these issues that have been raised have not been experienced as essentially a diminution in service. They are really just best practice around making sure that the controls are in place. They are a best practice audit recommendation. They are readily resolvable and we will act on them.

Mr SPEIRS: Moving to page 320, under Highlights of the financial report—controlled items, can the Premier list the names of the recipients of the \$7 million in grants and subsidies paid in 2015-16?

The Hon. J.W. WEATHERILL: Yes. We can take that on notice.

Mr KNOLL: In Part A, Executive Summary, on page 30 the Auditor-General makes this comment:

Modified controls opinions in Part B of this Report reflect our view that aspects of agency controls are of an insufficient standard to provide reasonable assurance.

If I go back to page 27, he talks about the fact that 41 of 62 agencies received modified controls opinions. Also, on page 28, he says that the number and nature of matters raised with agencies have not reduced.

He speaks very clearly on page 30 about the fact that the controls are of an insufficient standard to provide reasonable assurance. Does the Premier share the concerns of the Auditor-General about the fact that things do not seem to be getting better when it comes to compliance in risk management? If so, does he have confidence in the improvements that are being sent down?

The Hon. J.W. WEATHERILL: I think it is worth noting that the remarks that are made are, obviously, across all agencies and need to be considered in the context of his overall findings, which are on page 3:

Of the three opinions required, it is the financial control matters that are concerning, as there are some fundamental areas of governance and financial control and accountability. Notably, not many matters occur widely throughout agencies. There are some themes, like payroll monitoring and maintaining policies and procedures. Mostly, our findings are specific to agencies. Overall, I believe most of the matters we identified in our audits are quite readily resolvable. This is discussed in further detail later in section 3.

Obviously, it is of concern, but the audit has been provided. The agencies, by and large, have unqualified audits that have been presented in relation to each of their agencies. These accounts are of perfection, which is what we expect from our Auditor-General, and we work away to get as close to that objective as we possibly can.

Mr KNOLL: To follow up on that, in Part B, page 312 lists the fact that your own department, DPC, has one of the longest lists of modified financial control opinions. Premier, are you embarrassed by the fact that your department is one of the worst performing agencies in this regard?

The Hon. J.W. WEATHERILL: I do not accept that. I think these are minor matters that do not—obviously, each of them needs to be taken seriously. Each of them has been addressed and will be resolved. I do not accept that our agency is performing in the way in which you described.

Mr SPEIRS: Moving back to Part B, at the top of page 316 is a series of dot points about payroll functions, one of which relates to terminating employees and calculating termination payments. Premier, can you advise what the total value of employee termination payments was in the 2015-16 financial year?

The Hon. J.W. WEATHERILL: Yes, I will take that question on notice and bring back an answer.

Mr SPEIRS: Premier, can you also advise how many employees received termination payments?

The Hon. J.W. WEATHERILL: Once again, I will take that question on notice and bring back an answer.

Mr SPEIRS: Again, what do these payments comprise?

The Hon. J.W. WEATHERILL: Once again, I will take that question on notice and bring back an answer.

Mr KNOLL: I will go back to Part B, page 312. In your previous answer, you suggested that each of these matters was minor and insignificant. Would you consider, though, that the process in relation to 57 Films is minor and insignificant?

The Hon. J.W. WEATHERILL: I do not think I used those words. I used the language that the Auditor-General used and I have not supplemented my own remarks. The very serious charge was made in relation to 57 Films about a conflict of interest about the chief executive of the agency. What was found was that there was no evidence of a conflict of interest. Those opposite published a media statement, which was reported widely, where that allegation was made. I am fine about false allegations being made, but just have the good grace to actually correct the record when something comes out and demonstrates that you are wrong. I am waiting for the apology, and I am sure it will be issued in due course.

The CHAIR: The time for examination has expired. I thank the Premier and his advisers for their appearance before us this afternoon and call on the Deputy Premier and his advisers to find their spots as quickly as possible so that we can continue for the next 30 minutes. Deputy leader,

you are going to be forensically looking after us this afternoon. Perhaps you can ask the first question while everyone is assembling. I am sure that the Attorney is up to it.

Ms CHAPMAN: I will be referring to Part B, Agency audit reports—

The CHAIR: What page are you on?

Ms CHAPMAN: I am about to indicate that the Attorney-General's Department review by the Auditor-General commences on page 30.

The CHAIR: Are you going to be on page 30?

Ms CHAPMAN: I will commence at page 49—

The CHAIR: Lucky we started early, wasn't it?

Ms CHAPMAN: —in respect of the Public Trustee, which is administered by AGD. At about point 5 on that page, it refers to a matter that the Auditor-General has been compelled to report on, namely, the trust operations, in particular the estates expenditure sample testing for appropriate authorisation not being performed. If I paraphrase the Auditor-General's assessment, he considered, firstly, that he had previously identified that payments of invoices at a certain level were not being reviewed to ensure appropriate authorisation was given during processing.

He makes the point further on that there had been an implementation of a sampling approach. He then confirms that he found that it was not operating as intended and generally explains why it is necessary to make sure that this occurs. Finally, on page 50, he records:

Public Trustee acknowledged that the sampling process was not effectively in place throughout 2015-16 and has reminded staff of their responsibilities for this review. Public Trustee has also accepted our recommendations to improve the information on the signature register and reminded responsible authorisers not to exceed their delegation limit.

I have read the rest of the reference to the Public Trustee and I have also read a part of the Attorney's Public Trustee Annual Report. Page 31 of that report tabled today in parliament refers to an alleged fraud that Public Trustee became aware of in May 2016 against deceased estates.

The offences were alleged to have been committed between July 2015 and May 2016, which of course is the period of the audit. 'Whilst the matter is before the courts, PT [Public Trustee] commenced an independent forensic file review of historic files managed by a former staff member.' Firstly, I want to know whether the Public Trustee at any time, but particularly before 30 June 2016, told the Auditor-General that there had been an identified alleged fraud case.

The Hon. J.R. RAU: I would have to take that on notice. I am not sure what communications may or may not have passed between the Public Trustee and the Auditor-General. I do have some further information about that matter if that is of any assistance.

Ms CHAPMAN: Alright.

The Hon. J.R. RAU: The background to this matter, I am advised, is as follows. A former employee of the deceased estates section of Public Trustee has been charged with dishonesty offences. The employee has appeared in court and has been charged with five counts of aggravated theft and five counts of abuse of public office. It is alleged that the offending occurred from 7 July 2015 and continued until a joint investigation by ICAC and the anti-corruption branch of SAPOL led to this individual's arrest on 17 May this year.

It is not mentioned in the 2015-16 financial statement that is published with the Auditor-General's Report to parliament or in the Auditor-General's commentary. The annual report of the Public Trustee makes mention of charges within the Public Trustee's The Year in Review section. As I said, the individual was in the deceased estates section. I understand that the allegations do not relate to Public Trustee's will writing, tax, trusts, personal estates or regulatory branches. The individual has resigned from the public sector. I understand that the individual has been cooperative with the investigation and the matter is currently before the courts. I do not think it is appropriate to go into any further detail on that.

Ms CHAPMAN: I am not asking for any further information about the particulars of the progress in the case, but I appreciate the Attorney's disclosure to this two-person committee to

explain where it is at. I totally respect that it is a pending action, but it has to be concerning, Attorney, that there is no reference to this in the Auditor-General's Report. This is clearly identified as a fraud against deceased estates, and it is the area of concern of state expenditure sample testing to make sure that there is not any misappropriation of these funds in people's estates, and there is no mention, not just by the Auditor-General.

Auditors-general missed the State Bank, so I know they miss some things, but I also accept that, when the Auditor-General reports that the Public Trustee has, according to this statement on page 50, acknowledged certain events and told him what they are doing about it, there appears to have been either no disclosure that an alleged fraud had occurred over a sustained period—in fact, almost the entire period that is under consideration—or no mention by the Public Trustee or their officers to the Auditor-General when they have clearly had communication about the action they are taking or should be taking to protect against fraud against the estates of deceased persons.

Alternatively, the Auditor-General has received that information, fully and frankly disclosed by the Public Trustee, and has chosen for some reason not to report it. I accept that there are two options there, but I want to be absolutely clear about what action the agency under your responsibility, which of course is the Public Trustee, has taken. Quite frankly, the Public Trustee has had a pretty chequered history just in the time I have been in the parliament. There have been inquiries against it and there have been questions about its conduct or lack of appropriate protection mechanisms, not to mention issues in relation to staff and others.

I want to be reassured that there has been frank disclosure and, if it was not disclosed in May 2016, when, as you have confirmed again, it was identified and reported for prosecution, when was it disclosed? If it has not been disclosed, what is the explanation the Public Trustee gives to this parliament as to why it has not fully disclosed that information to the Auditor-General?

The Hon. J.R. RAU: Obviously I will have to take that on notice because I will have to speak to the Public Trustee. Can I say that the current Public Trustee, who has been there for a few years now, by and large has been doing a very good job of putting that organisation, which I agree with the deputy leader had its fair share of complaints and shortcomings, into much better order. I think she has by and large done a very good job of that.

I will obviously attempt to get an answer to that question. I know, for example, that at some point obviously during this year—I think it must have been around that time, presumably—she did get in touch with me and say, 'I just want you to know that there's this thing happening,' which I presume would have been the arrest and charging of this individual, so I assume it was in May. Whether she also informed the Auditor, I do not know, but I will ask that question of her.

Ms CHAPMAN: That was going to be my next question, that is, when you had been informed, but it appears that, fairly contemporaneous with the charging, you were given some notice. I am assuming you meet regularly with the head of the Public Trustee?

The Hon. J.R. RAU: Our meetings are more or less on an as needed basis, but I do recall—and I cannot tell you the date off the top of my head, but my guess would be it would have been around that point in time, in May of this year—she wished to speak with me. I cannot now recall whether we spoke on the telephone or whether we met personally, but she certainly communicated to me that there was an issue with a member of staff whose conduct she was concerned about. I do not know what the detail of that was.

The only other point I might make—and I do not know the answer to this either—is that if there was then a current investigation that was being run by ICAC, it may have been the case that only specifically authorised disclosure under that legislation was lawful from the point of view of the Public Trustee, but I do not know and I will make inquiries.

Ms CHAPMAN: So that I am clear about this, I thought this was a joint investigation not just by ICAC but by another agency.

The Hon. J.R. RAU: Yes, but I do not know whether the fact of ICAC being involved created some additional issue for conversations. I am guessing here, so the simple answer is: I will ask her and I will find out.

Ms CHAPMAN: To your knowledge, did ICAC or any other agency, police or otherwise, put out a public statement confirming the prosecution and the charges that were being placed against this former employee?

The Hon. J.R. RAU: Again, I do not recall. I remember that when I was informed of the matter, it was in the context of me wishing to be sufficiently across the facts to be able to respond if I was called upon to do so in any media inquiry, but I cannot presently recall whether there was any media that arose out of this matter.

Ms CHAPMAN: I assume that you had not made any public statement or provided any press release on it?

The Hon. J.R. RAU: I do not believe I did, no. I do not believe I did.

Ms CHAPMAN: The report confirms that the Public Trustee had commenced an independent forensic file review of historic files. In respect of the five counts of aggravated theft, what is the value of the alleged theft?

The Hon. J.R. RAU: Again, I will have to take that on notice. I do not think we are talking massive numbers. In fact, without in any way diminishing the significance of a person in a position of trust, such as this individual doing what is alleged to have been done, I do not believe we are talking significant value in terms of dollars. But that is not really the point, is it? We are talking about the property of a deceased estate, essentially, and, whatever its pecuniary value may or may not be, its value to the people who should have received it might be significant. I will ask the question.

Ms CHAPMAN: Having commenced an independent forensic file review of the historic files managed by this former staff member, have there been any further identified discrepancies—if I can put them as general as that?

The Hon. J.R. RAU: I do not recall having been informed of any further issues of this type, but I think I had better take that one on notice as well.

Ms CHAPMAN: Have there been any other alleged frauds reported to you in that period, that is, July 2015 to June 2016?

The Hon. J.R. RAU: If my memory serves me correctly, no, but I will again check. To the best of my recollection, the only issue with the Public Trustee that has arisen in the last 12 months is this issue. Obviously, it is very unsatisfactory that that has occurred. I do not recall there being any others, but I will check.

Ms CHAPMAN: Leaving aside for the moment whether the Public Trustee even told the Auditor-General about this alleged fraud, it is claimed here in the Auditor-General's Report at page 50:

Public Trustee has also accepted our recommendations to improve the information on the signature register and reminded responsible authorisers not to exceed their delegation limit.

Are you satisfied that there has been a full compliance with the recommendations of the Auditor-General that, according to him or his office, had already previously been identified and clearly not acted on and then had been repeated again this year for the purpose of this financial year?

The Hon. J.R. RAU: That is something I will obviously have to ask the Public Trustee to find out exactly what she has done by way of giving effect to the matters in that sentence. I will just have to ask her.

Ms CHAPMAN: In the sentence before that, it states:

Public Trustee acknowledged that the sampling process was not effectively in place throughout 2015-16 and has reminded staff of their responsibilities for this review.

Has that happened, and is it now in place as per the recommendations?

The Hon. J.R. RAU: Again, I will have to take that on notice.

Ms CHAPMAN: If we return to the Auditor-General's division, page 35, there is reference to the now infamous Crown Solicitor's Office matters, in particular the Victims of Crime Fund. Attorney, we have already had a major fraud that has occurred by an employee. He is now serving a very long

term in prison for another offence. I think that from last year there was quite a substantial recovery, ultimately, of the money that had been taken out fraudulently from this fund.

The consequence of that nothing short of a debacle was that a program was implemented to ensure that the person who approved compensation claims under the Victims of Crime Fund and the person who paid out were separate entities or departments so that it avoided the problem, which they got away with in the last major fraud circumstance, of issuing an application, approving it, and then paying themselves one way or another to get a large sum of money and that, accumulated, was a very serious offence.

We have had a whole lot of assurances that the situation is in order, yet today we have before us the Auditor-General's Report, which again describes the deficiencies of the payments and claims of the internal review process, and there is a scolding from the Auditor-General about how that should be improved. In respect of the way that the Crown Solicitor's Office is conducting its review of this, what action have you taken to ensure that they are properly managed and that these funds are secure? Whilst this fund is flush with money, at \$240 million or so, it is probably even more important, given that it will be attractive to those who might want to steal from it.

I would like you to give some assurances to this committee because this has happened before. We have been given assurances before, and this year we find that there has been a continued failing. It appears at this point, with no identified further fraud, that that may be more by good luck than good management.

The Hon. J.R. RAU: I thank the deputy leader for her question. In relation to this very unfortunate matter, the passage that has been referred to on page 35 does indeed make some criticism of procedure in AGD, but it is important to note that it does not indicate that there has been any further fraud perpetrated. It identifies a process issue. That is the first thing. The second thing is that obviously, in terms of the way in which this is managed, it is a matter for the Crown to respond to these things and to deal with them.

I have been advised as follows. A document which outlines the process to review VOC claims for compliance, which is enchantingly entitled 'Procedure for assessment and payment of claims under the Criminal Injuries Compensation Act 1978 and Victims of Crime Act 2001', has been drafted. I am advised that this document will be finalised and approved by midway through this month. The new control framework was in fact implemented in April 2014 and has involved a large number of changes to processes and procedures within the unit.

I am also advised that the Crown Solicitor's Office is not in a position to be able to disclose the specific nature of the new controls, as the Crown Solicitor believes that they set out checks and balances that are there to reduce the risk of fraud, and for them to be made public might actually serve to undermine their effectiveness. That said, I would be more than happy to discuss those, not in public, with the deputy leader, if that would be of any assistance.

Ms CHAPMAN: But, Attorney, that is all there in the report. What you just read out has already been told to us in the Auditor-General's Report. Frankly, if that is all the information the Crown Solicitor's division of your department has given you, which is just a repeat of what the Auditor-General has told us, it is grossly inadequate, especially given the form of failings in respect of this area.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: Yes, he tells us that there is a new process, review compliance model, or whatever is going to be implemented—it is all there. What he says, though, is that even after promises that that occur, and with a scheduled update apparently for March 2015, it still had not happened, and now you tell us today that you have a draft on its way. Surely, that is grossly inadequate, given the history of this failure to properly supervise the money that goes through this particular fund.

When the AGD, according to the Auditor-General, responded that the process for quarterly internal review of VOC claim files would be documented, it does not fill me with confidence that the only information you bring back to the parliament on this failing of this area is that they have a draft set of guidelines ready on how they might manage that. That is frankly unacceptable to this

parliament, in my view, and ought to be unacceptable to you, as the Attorney-General who is in charge of this.

Let's look at the next issue. Has it actually implemented a quarterly internal review of the VOC claim files since 30 June 2016; if it did, when did that occur and who did it?

The Hon. J.R. RAU: First of all, I do agree with the deputy leader that the matter of having appropriate procedures in place, particularly in light of the fraud that occurred in the past, is an important matter, and it is entirely appropriate that the Auditor-General should have given consideration to that matter and obviously pass comment on any inadequacies. I will seek advice to be able to provide a complete answer or a more full answer, a copy of the questions obviously to Hansard, is something I will provide to the department and to the Crown Solicitor, and I will endeavour to get a more responsive answer to the deputy leader's questions.

Ms CHAPMAN: Will you meet with the Crown Solicitor or whoever is the head of administration of that division that manages the Victims of Crime Fund?

The Hon. J.R. RAU: I meet fairly regularly with the Crown Solicitor. The nature of those meetings is generally that we discuss matters of significance that are currently being litigated by the Crown Solicitor on behalf of the state. This particular matter has not been the subject of one of those conversations.

Ms CHAPMAN: Who is in charge of it?

The Hon. J.R. RAU: The Crown Solicitor, Mr Evans, is the head of the Crown Solicitor's Office.

Ms CHAPMAN: Is Mr Evans personally responsible for the management of the finances and the reviewing of processes surrounding security of this fund?

The Hon. J.R. RAU: I would be very surprised if Mr Evans had time to do that amongst all the other things he is doing. I will find out. I am advised by the Acting Deputy Chief Executive of the Attorney-General's Department that the Auditor-General was apparently advised about the PT issue before 30 June.

Ms CHAPMAN: A date?

The Hon. J.R. RAU: I do not have a date, but I will seek that out. I am just giving you further updates as they come to hand.

Ms CHAPMAN: Can we go back to the Victims of Crime Fund. You will ascertain who is responsible for the supervision of the security of these funds, and I agree with you—I can hardly imagine Mr Evans would be, but I am sure you will find somebody in there is responsible. I would ask you to ascertain whether, in fact, the quarterly internal review of the VOC claim files has occurred, hopefully as at 30 June and again sometime at the end of September.

I look forward to receiving that—hopefully, before the end of the year—so that we can have some reassurance that somebody is keeping an eye on this fund and that we are not going to be the subject of what could occur as a result of failings without this process. At the moment, I can say that the assurances given in previous years have evaporated any confidence I had, and I think it is incumbent upon the Attorney to reassure the parliament in that regard.

Next we come to the Fines Enforcement and Recovery Unit—a continued disaster it seems, with, I would have to say, multiple breaches—at the bottom of page 35, across to page 36 and keeps going to page 37. I think there are about 10 different areas of failing in respect of this unit which was going to be the panacea of recovery from recalcitrant members of the community who had not paid their fines. Now we find that there are multiple breaches in respect of the operation of this unit.

Could you ascertain, firstly, who is responsible for the management of this unit, as I assume that the acting chief executive of the department also has other important duties to undertake and would not be dealing with the daily management of this, and give some explanation? I will ask some questions and you can take them on notice if you feel that there is information that you do not have. First, on page 36, it states, 'AGD advised the FERU would continue to work on policies and procedures in 2016-17.' My question is: has it completed any and are they in place?

The Hon. J.R. RAU: I will take those all on notice and I will assume that Mr Evans is not running all of this all by himself. I will find out who the responsible people are and I will attempt to get an answer to that question.

Ms CHAPMAN: On the daily close-off processes, also on that page, which was brought to the attention of the Auditor-General to report, he states:

AGD responded that the FERU would review current processes and implement a quality assurance program to monitor compliance.

What has happened since 30 June?

The Hon. J.R. RAU: I will take that on notice.

Ms CHAPMAN: Has anybody told you anything about the compliance commitments that this unit has made to the Auditor-General?

The Hon. J.R. RAU: No, I have not had a discussion with the unit head about that. No, I do not know; I have not had any such discussion.

Ms CHAPMAN: This report has now been out for some time and presumably whoever is in charge of the unit has read it. It must have been a dismal report for them to receive and they would have sent off a reassuring letter to you that all of these things were in hand and that certain things have been done so that, as in every other area of report here, you have an aide-memoire to tell us about what is happening. Are you really saying to the parliament that you have had no information from your department about what this unit has done to comply with the multiple breaches of either protocol or failing to prepare adequate policies and supervisory regimes?

The Hon. J.R. RAU: I do not believe that I have received any response of the sort that you are talking about, although whether one has been sent to the department or to somewhere else I am not sure. However, obviously I do agree that if these matters are raised by the Auditor we are all entitled to know what is being done about them, so I will pursue that.

Ms CHAPMAN: Finally, have you made any inquiry about the areas of concern that have been raised specifically in the Auditor-General's Report about your Attorney-General's Department failings in this area?

The Hon. J.R. RAU: I have not been through with the department in an itemised sort of way each and every observation made by the Auditor-General. What has happened in the past is that the chief executive of the department, having had an opportunity to absorb the report and consider the responses, normally would then say to me whether or not they thought there were matters of outstanding concern. I do not think we have reached the point yet where that has occurred but in the normal course I expect it will.

Progress reported; committee to sit again.

Bills

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr WILLIAMS (MacKillop) (17:00): It is always difficult when you have to seek leave to continue your remarks because you have to try to remember where you are up to. If my memory serves me correctly, I was at the point of discussing the problem of every council in the state having to formulate a policy by this piece of legislation, and I think I was talking about councils in my electorate. I think I mentioned Robe. I think I was saying something along the lines that those people who are running small businesses in Robe that are supplying food, particularly to the tourist industry and so on, are there all during the winter months and the quiet periods of the year.

They are there all the time. If we supported this particular piece of legislation, I believe we would impose an unfair burden on those mum-and-dad small businesses that have made a commitment to that local area. We would impose unfair competition by a group of people who could blow in and out of town—maybe just come in on the weekends when the pickings were the ripest

and the easiest—and undermine the viability of the existing bricks and mortar businesses which are established there and, as I say, are there all year round.

That is in the small community of Robe in my electorate, but there are other communities in my electorate such as Bordertown, Keith and the Tatiara council. I cannot imagine too many food truck operators wanting to move into Bordertown or Keith in an effort to enrich themselves in those communities, yet the Tatiara council, under this particular measure, would be obliged to formulate a policy. It would be obliged to spend its ratepayers' money developing a policy, and there would have to be public consultation, all this sort of thing, for no reason at all.

The reality is that it would be most unlikely, or very rare, that a food truck operator would want to even enter the council area. There might be special events and special occasions and things like the local show. At the local show in Bordertown, of course there is someone there in a truck selling coffee. Of course there is. That happens now, and there is not a problem with that sort of thing happening and I do not think the council would seek to prevent that happening, but why should that council be subject to developing a policy and going through all the public consultation, doing all that sort of thing, for no benefit to anybody? It would add a cost to its ratepayers, which include the already existing bricks and mortar businesses which may or may not be subject to unfair competition.

The bill, according to the proponent in his second reading address, provides that councils will no longer be able to restrict the number of permits that can be issued, so you can have any number of permits and food trucks in, as I say, particularly those areas where the pickings would be quite rich and they would, obviously, cherrypick those.

You cannot put any restrictions on the operating hours. I do not think that is really a problem because these people, by their very nature, would only operate when there is a demand for their services and I do not see that that is a problem. I do not know that it has been a problem historically. There is no restriction on the type of food that can be sold, and I do not necessarily see that as a problem at all. But I can certainly see the number of permits being problematic. Of course, I come back to my main point. I believe this represents unfair competition to a group of business operators who, I dare to suggest, are already finding life fairly difficult and fairly tough. The proponent (member for Kaurana) suggests in his opening remarks:

In recent years, food trucks have brought a new element to South Australia's food culture—

I think he is overblowing it a little bit there. I take issue with this bit—

and have allowed entrepreneurs to enter the hospitality market in an affordable and flexible setting.

That is the reality and that is the bit I object to. In terms of allowing them to enter in an affordable and flexible setting, 'affordable' means that they are doing it more cheaply than the existing businesses. They can get into the marketplace without paying their fair dues. That is where the unfair competition comes from. That is where you adversely impact on those people who are already operating in that marketplace.

To me, a 'flexible setting' says that, again, you allow these people to be flexible. They can move from rich pickings to rich pickings. They do not have to be there in the quiet times. That gives them a distinctly unfair advantage. The existing businesses are there every day of the week, every week of the year, paying their way, paying their rates, paying their suppliers and paying their staff. This bill would allow fly-by-nighters to come in and cherrypick and to undermine those mum-and-dad businesses.

Some new people who are very good at running a food business or a hospitality business may be successful, but why should we give those people the sort of leg-up that this bill would give them? If they are that good at it, they could be successful at running a traditional business and not being successful because they get an unfair advantage over those who, I reiterate, are mum-and-dad small businesses. That is basically what the competition would be: the small family businesses run by mums and dads, by sons and daughters, providing a very important service even when times are quiet.

I cannot support the matter brought by the member for Kaurana. As I said in my opening remarks, I suspect that, by the way this has come to the parliament, even the support within the Labor Party is but lukewarm. I hope that the house rejects the matter.

Mr PICTON (Kaurna) (17:08): I thank members for their commentary and speeches in regard to this bill over the last couple of months. This has been an important debate and I appreciate all the members from both sides who have made contributions. I obviously very much disagreed with some of those on the other side. However, there was merit in some of the discussion in the member for Goyder's contribution.

I did enjoy the opportunity, before bringing this bill to the house, to discuss with the member for Goyder what we were planning to do and try to reach a resolution on how we should proceed with this matter. Unfortunately, as the member outlined, he did take this matter to the party room and there was a strong debate within the party room. I am sure we would have liked to have been a fly on the wall for that debate.

Through that very strong debate within the party room, they have come out with a decision to just flatly oppose this bill and oppose what we are proposing to do here. That is sad because, if the Liberal Party had actually wanted to engage with the government in working on this bill, we could have looked at a whole range of ways in which we could address some of the concerns they had.

Unfortunately, they have just decided to flatly refuse to negotiate, flatly refuse to consider agreeing to this bill or to any measures whatsoever around food trucks. I think that it is really important to note at this point that this is yet another example of where we have seen the opposition backing those very big businesses in South Australia. This is something that happens time and time again. This is a party that calls itself the party of small business, yet it goes out of its way to protect large businesses.

We have seen this very recently in terms of one of the only policies that the opposition has produced, which was regarding shop trading hours. They have gone out of their way in terms of that policy to support the large retailers, Woolies and Coles, in opening up those shop trading hours against the cries from the small business community in South Australia who have the ability to open whenever they want and who will be very significantly burdened if shop trading hours are deregulated, as proposed by the Liberal Party.

We also have the discussion about Uber in South Australia. The Liberal Party was very out there first and foremost saying we should allow Uber, which is a big multinational company, to operate in South Australia without any compensation for those small business operators in the taxi industry across South Australia. In the government, we took a very different approach from that. We said that we should compensate those taxi operators and those licence holders who operate their businesses and are small businesses and that we should have regard for the position they are in. However, that was not the position of the opposition. I note that on 14 January 2016, in an article in *The Advertiser*, the member for Unley was quoted as saying:

It was 'inconsistent' for the Government to support some innovative business models, such as food trucks, but not others, such as UberX.

On the one hand, they are saying that we should come to their support of Uber, which we now of course have done, but they do not see the contradiction in now saying that they should support food trucks at the same time.

Of course, the Liberal Party originally also opposed small bar licences operating in the CBD. That was another instance when big operators were saying that these small businesses should not be able to get a licence to operate and that we should just support the big hoteliers, keeping their position as it was. Luckily, we were able to persevere, and there are a lot more businesses now operating in South Australia because of that.

At the end of the day, this matter is really about removing red tape to allow businesses to operate. There is a significant amount of red tape that the food truck operators are at the mercy of at the moment if they want to operate on a road in South Australia. For instance, in the City of Adelaide, there is a scheme that is underway and operational, and it has gone through a number of changes, and it is really being clamped down to try to limit the number of people who can operate under that scheme.

But outside of the City of Adelaide there are next to no schemes operating. There is a very inconsistent approach across all council areas in South Australia; in fact, most councils do not have

any schemes operating whatsoever. This is really about saying that we should reduce our regulation of this industry and that we should keep some of those elements where there does need to be important regulation. In particular, it is about making sure that the councils on a local level can work out where the best places are for food trucks to operate so that they will not interrupt the bricks and mortar businesses and will boost the economic benefit to that area, rather than reduce it. It is about removing red tape.

We have heard a couple of arguments from the opposition that are entirely inconsistent with each other. On the one hand, some people are out there from the opposition saying, 'We don't like this bill because it is about putting in more regulation.' On the other hand, there are some people on the opposition who have said in their speeches, 'We don't want this bill to happen because there won't be enough limits on what these food trucks can do and how they can operate.' What they are saying is completely inconsistent.

The actual truth of the matter is that this is about a consistent regulatory approach across the councils and removing that red tape to operate, because at the moment you cannot operate these businesses across most of the councils in South Australia. This is another example where we have free enterprise being blocked from operating, and we are trying to address that.

There are also huge inconsistencies regarding other types of businesses. It is not just food trucks that compete with bricks and mortar businesses. You have people who operate on the internet. The opposition is very much in favour of Uber, and we have now seen the advent of UberEATS who will deliver food to you no matter where you are, through the click of a button, and that needs no bricks and mortar operation whatsoever to operate.

There is a huge number of mobile operators who compete with bricks and mortar people. Lube Mobile, who will come to your house and do your mechanics, compete with bricks and mortar mechanics. Whether it is mobile dog groomers or mobile laundry services, all these operate across South Australia on a mobile basis and compete with bricks and mortar businesses. Presumably, if the Liberal Party followed through on their conviction with this bill, then they would outlaw all of those from operating because they compete with bricks and mortar businesses.

I think it is a very sad state of affairs when, clearly, some of the people in the property industry, particularly a very large property developer in Adelaide, write a large number of letters to members opposite and all members of the house with some very outlandish claims about what will happen here, and then, shortly after those letters are sent, the Liberal Party decides to oppose this bill. I think that is a real shame because we know that if you go out there and talk to people about this legislation, they are very supportive.

We have had several rounds of consultation with people about what the content of this bill should be, and there is broad support for making sure that food trucks have an ability to get out there and compete. No-one is saying that they should be able to operate wherever they like, but people want to have the choice and ability to find a food truck if they want to. Under the proposal from those opposite, that just will not happen across South Australia.

People do not understand those objections. They do not understand why you are blocking this legislation, and I believe you are going to be hearing from many, many people who are very opposed to the action you are taking in this house. We on this side have launched a petition against that. We have been out talking to people who support food trucks in South Australia, and we will be making it very clear as to who is standing in the way of this legislation.

We are absolutely supporting bricks and mortar businesses across South Australia, and there are a number of different ways that we are doing it. One of the key ones is that we are abolishing stamp duty on commercial property transactions, which is obviously very important for people who want to own and operate a commercial premises. We are also getting rid of business transaction stamp duties. We have introduced the Job Accelerator Grant Scheme, so there is a \$10,000 grant for each new employee you hire.

We have introduced the small bar legislation, of course, which was originally opposed by the Liberal Party as well. We are increasing our spending on tourism and events to bring more people to the city. We are investing money to improve our city's laneways, which is helping property throughout the city and, of course, we have introduced and passed planning reform which is going to help get

more commercial developments happening in South Australia. This is a whole range of different ways in which we are supporting those bricks and mortar businesses in South Australia.

What we are saying here is that if you want to operate a mobile food business, then there should be a way by which you can apply. You should be able to pay money to a council and get a licence to operate, and the council should be able to work out where the best place for you to operate is in the council area. It is not terribly controversial to most people out there on the street; unfortunately, it is to the Liberal Party.

Some of the objections we have heard from people through this debate include that this is somehow unlimited. It is not unlimited. In fact, we have been very careful. The key criterion for most of those small businesses, most of those small bricks and mortar food outlets, is that they do not want these businesses to operate right outside the premises they are renting or they own, and we think that is fair enough. We think it is important that, as a government, we say to the councils that they will have the ability to work out, on their local basis, the right locations for those businesses to operate.

They can either do that by producing a map, like the Adelaide City Council have done, of all the areas in which you can go to operate one of these businesses, or you can have a simple rule that can apply across your whole council area to say you can operate at X hundred metres away from a bricks and mortar business. We think that is going to be relatively simple for councils to work out at a local level by using one of those two methods.

There have also been some discussions about the fees. We have set the fees at a level that is between where the Adelaide City Council have their fees now and where they had them originally. This is a maximum fee. We believe that, of those councils that do operate these licences at the moment, most of them have fees much, much lower than that.

We think this fee is equivalent to the council rates that you would be paying in a similar-size business in the city, and that is through some work that the Adelaide City Council has done in the past. We think there is also a lot of flexibility for councils to work out on a local level. If they want to operate with lower fees in particular areas, they can do so. If there are particular other incentives they want to provide for people to get food trucks happening in their local area, then they will have the ability to do that.

We have also heard some comments from the opposition about Mad March festivals and events. This is very clear that this is not related to those; this is about on local road trading. Those festivals and events, which predominantly happen in parks and squares, will still be subject to the same local government permit system as works at the moment. There have been a few other comments and I know the member for Goyder wants to ask some questions, so we will deal with them when we get to the committee stage.

With regard to things such as the food passport, food truck operators, as well as other bricks and mortar businesses, have been very interested in making sure that there is an ability for the health department and local council food inspectors to have the benefit of the history of each food truck operating around South Australia. It is quite unrelated to this bill in the sense that a lot of those businesses operate at other festivals and events, not necessarily on-street trading.

We think it is important that we introduce a passport that will allow those councils to see the history of those food inspections, even if it has happened in other council locations. Of course, that is information that councils would have if it was a bricks and mortar business because they would have the history. However, where you are dealing with a business that moves around, you would not necessarily have that information.

We have also heard some comments about economic analysis and, of course, there was an economic analysis done by the Adelaide City Council in terms of the work that they have been doing. Adelaide City Council has been working on this for a number of years. Originally, some people, including the current mayor, Martin Haese, who I have got to work with quite well through the process of this work, were quite sceptical about food trucks and the impact they would have. So they did the work and they got a study done, which showed that there was very minimal impact upon the whole

city trading of food trucks across the whole city. That is something that is published and available, and I am very happy to make that available for members.

In summary, I think this is an issue where we should be seeking the right balance between allowing these people to operate and allowing new businesses to operate. We have seen so many people start a food truck and then lead off into operating fixed premises businesses, such as Burger Theory.

Other people who are now exporting their products and services around the world or who are producing products to be available in supermarkets all started out as a food truck. If you are a food truck, you do not have to have the huge amount of start-up capital necessary to operate. We think this is an encouraging sign. It is just one aspect of our whole economic picture, but we think it is an important one that this bill can deal with in an appropriate way.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr GRIFFITHS: You have actually referred to economic modelling and in your response just then you talked about the City of Adelaide work. You have also talked about shop trading hours and I vividly recall the member for Waite, the Minister for Investment and Trade, being rather critical of the position that the Liberal Party had taken about its decision on a policy matter there and asking for economic modelling. While you have the Adelaide City Council data available, and I have also reviewed that, given that the implication of this legislation is across all 68 councils, have you requested or received from any group a wider ranging economic modelling assessment of the impact?

Mr PICTON: We looked at the work the Adelaide City Council has done, which is a very thorough report that they conducted. We used that work, as well as other work that has happened through the state government, to go out to the public and put our ideas forward. Originally, we did that through a discussion paper which outlined a whole different range of options we could take, then we produced a position paper outlining our preferred position on actions on food trucks, and we have now taken that to the parliament.

In terms of whether we have specifically designated another economic study into this matter—no, we have not. We have looked at what the Adelaide City Council have done in their economic study, and we have used that.

Mr GRIFFITHS: I thank the parliamentary secretary for his response. Can I ask a question in relation to the Glenelg area, for example, and the member for Morphett has put to me concerns about the high level of vacancies within shop tenancies there. That is a high visitation area—and congratulations to them—so I want to see whether any work had been done to consider the impact and whether it was different in other areas, rather than in just the Adelaide City Council.

I am trying to consider this in a very objective way and to make the questions I pose on the basis of trying to ensure that there is an improvement to either the legislation or the regulations or an understanding of the implications of it en masse. Was there any consideration—and I would be interested in the feedback that you received from the consultation undertaken—particular to, say, the Glenelg area, where there is now a worry about vacancies in tenancies?

Mr PICTON: In regard to that, as I have outlined, the key requirement that we have put in to deal with that issue is that we have allowed councils to determine the locations for these trucks and operators to work in. That can work out on any local area in terms of having local consideration. The local council in Glenelg can say, 'We don't think that these trucks should be operating on Jetty Road or within a certain distance from Jetty Road, and we think this area near a sporting park or farther up, north of the beach for example, might be the appropriate place for food trucks to operate.' We think that is best worked out at a local level.

From previous experience, having worked for an economic modelling firm, when you are dealing with that level of variability it would be very difficult to produce an economic model that

produced an answer at the end of the day out of that. I dare say that most economists would say that the more you open up business and competition, the better things will be generally. That is what most hard-headed, pointy-headed economists would say on those sorts of issues.

Mr GRIFFITHS: As a follow-up to that, there comes the concern I have tried to express, and I believe others from this side have expressed, about the requirement for councils to say that they must have permit opportunities. You have recognised the appropriate decision-making capacity that exists within local government to determine where they should be located, but the legislation at clause 5 demands that they have to issue a permit, and that has been a key issue for the Liberal Party on this. You have put forward other reasons why you think a decision was made, but for us it is the basis of the fact of where the decision-making should rest—not for part of it, but for all of it.

The Adelaide City Council has demonstrated, through the maturity of their decision-making, the review they have undertaken and the work they have done on this that they have created a system that does work, and I think that opportunity exists in other areas where the need exists. But, parliamentary secretary, your legislation demands that councils are required to do that—yes, to determine where it can be located, but no input on what the operating hours of it are: they have to have it. That is the basis of the concern we have with this.

Mr PICTON: Understanding that, our basis has been looking at most council areas across South Australia, as I outlined. The idea that you can get these permits is not really accurate at the moment. The Adelaide City Council has a scheme, and you say it is working really well—other people have different views on that matter—but for most other places around South Australia it is not accessible for you to get a permit.

We have looked at some of the council areas; in fact, one council area in Port Adelaide Enfield has an ice-cream only permit. We have taken the approach of saying that it should be like applying for a builder's licence, for example, or something like that from Consumer and Business Services. It is not a question of being up to a person that day whether or not they should receive the permit. If you have met the criteria, then you should be able to receive a permit to operate.

The limiting factor that we have used here is not the number of permits, but more the location for which the permit should operate. That will achieve competition, in terms of allowing businesses to start and operate, which is something the government and I want to see happen in South Australia, and it will also make sure that there is a good balance between those fixed operators and the new mobile food vendors.

Mr KNOLL: What happens if a council turns around and says that they have no areas that are prescribed and able to hold food vans? Is there a potential situation where vendors can apply for a permit but not have anywhere in the council area where they can trade?

Mr PICTON: We are very much hoping that that will not be the approach of councils. We are working with the LGA and councils in a cooperative manner in the hope that they can identify some area in each of their council areas that is an appropriate place for food vendors to operate. If a council were to turn around and say that they did not think there was anywhere in their large council area to operate even one food truck, then that is something that obviously we would have to look at. I am hoping that that is not going to be the case and that councils will work constructively to look at what is an appropriate area in their council.

I reiterate that they do not necessarily have to do, say, what the Adelaide City Council has done in working out a map where they have identified areas. They could work out and set a rule in terms of X hundred metres away from existing food businesses, which means that they do not therefore need to have the level of detail required under working out a specific map. We have left that decision to them. We want them to work locally on the best solution for their local area.

Mr KNOLL: Can I challenge that, parliamentary secretary. A briefing paper on the regulations that are coming into effect notes—and I am assuming quite specifically—that each council must adopt rules whereby the location of operation includes details on a map of the area. Do the regulations not state that councils need to create a map?

Mr PICTON: They say that they can create a map or they say they can either create a map or work out a rule that applies within their local council area, such as a couple of hundred metres away from an existing business. We are giving them the flexibility to work that out.

Mr KNOLL: Have you modelled any of the demand from some councils as to whether or not councils have ever been approached by somebody to operate a food van within their area? What I am trying to get at is whether we are essentially asking councils to work where there is no demand, no modelling of any demand, for any food vans to come into the council area.

Mr PICTON: I think that is a question that was asked by a couple of people in their speeches. In terms of how this is approached by the council, whether they do want to work out a specific area or whether they want to work out just a general rule that applies, it would give them the flexibility to go for a general rule, which would not be very much work for them to do. If they are a council where it is very unlikely that food trucks will apply, then it would not be very much work for them to set this in place and then maybe nobody applies for a licence in the end and there are no issues.

However, I think it is important that we consider the fact that these are not schemes that are operating across council areas at the moment. While we have one council where there is a scheme and there has been a lot of debate and discussion, other councils have not ventured into this area, and I think it is for a very good reason. They have probably seen what has happened in the Adelaide City Council and thought that they do not necessarily want to have that debate in their council area. It has meant that it has all been within the Adelaide City Council area and we have not seen this happen across the whole state.

Although, I should note that we have seen it in some councils, including my own council, the City of Onkaparinga. I am not always coming into this house to give credit to them, but I will on this occasion. They have said that this is something that they are quite keen to see and that they are keen to attract food trucks into their area. It might be that through this process they devise a more generous map scheme to look at what could apply and perhaps a more generous fee structure that could apply in their local area if they wanted to attract these trucks to their city.

Mr KNOLL: I assume that you are essentially saying that councils have to offer a permit to businesses and that there is no limit on the number of food vans that will be offered permits within a council area. How do you envisage the legislation dealing with huge numbers of operators wanting to go into certain areas? How do you police the fact that there may be a space and that 10 or 15 different food van operators want to operate out of that single space at the one time?

Mr PICTON: Obviously, if there is a limit to the space then only a certain number of people will be able to operate in that particular area, although I would caution the fact that people have talked about whether there are going to be thousands of these things running around. If you put it into the perspective of what happens in Adelaide City Council at the moment, where there is something like 30 and they have not necessarily given out all the permits that are available at the moment, I do not think we are going to be seeing anything like the numbers that have been put out by those people who are fearmongering about this bill.

I think local councils will be well equipped to look at what their particular local areas are and to make sure that they have spaces available in areas that might not be well trafficked or might not be well-decked out in terms of fixed food businesses and to make sure that they can properly regulate those across those areas. I do not think we are going to see the sorts of problems that you are suggesting in your question.

Mr GRIFFITHS: My real concern is that it is a bit of a recipe for disaster because you are putting a lot of faith in operators who are paying a fee. They want to go to locations where they believe there is a revenue opportunity, as do others who show an entrepreneurial spirit and want to go to the same place, whereas at the moment, you are saying that the number that go there are limited by the spaces available and because there are no time limits in place, other than presumably parking time limits, on which we will get some clarification later.

If someone wants to be there for the lunchtime trade, 11 until 2-ish or thereabouts, at potentially a high-traffic area, do they get there at 3 o'clock in the morning and save that spot or can they be moved on? If they are moved on, by whom, and is there a cost or penalty associated with

that? I am not sure how this works in that case, particularly as you have talked a lot about city activities, which is where the greater challenge will exist.

Mr PICTON: I think that last point is particularly important in that, realistically, this problem you are articulating is really only going to apply in a couple of high-traffic areas, and the city is probably chief among them and it already has mechanisms through the Adelaide City Council scheme where it deals with this.

They work with the food truck operators where, for instance, only a couple of spaces may be available in Victoria Square. They will work with the food truck operators to make sure that there is an arrangement between them and the council to make sure that they are shared around and that they are used on different days by different people. There is nothing in our regulations or our legislation that stop councils working with those food trucks on the local level, particularly if there are those sorts of issues.

Mr GRIFFITHS: I need clarification because potentially multiple permits can be issued. That is appropriate, I understand that, but how do you control the number who try to take up usage of it? That is what I am unsure about. Yes, council can determine local rules, even though they must grant the permit, and different councils may potentially have different rules in place even though they have tried to create a consistent set of rules. We still have not heard a response that actually satisfies the concerns that we have on this.

Mr PICTON: If you look at the Adelaide City Council where, as I said earlier, this would be the most likely eventuality for such an occasion to occur, their policies—which would be quite consistent with our legislation—state that they want people to move between different areas on different days to make sure that there are changing spots for people across the local council area. It really is up to the local councils, if those issues arise, to make sure that there is a scheme in place to work with the local food truck vendors, as the Adelaide City Council does right at the moment, to manage that issue.

Mr KNOLL: You have said that councils cannot limit the number of permits, you have said that councils cannot talk about what type of food, and you have said that councils cannot limit operating hours, and you want to incentivise food trucks. But what happens when you have 20 or 30 food trucks that want to vie for the one place, especially when you consider that there will be some good peak times?

In the Barossa, I am sure that every food van operator who applies to the local council will want to be on the side of the road when the Tanunda Christmas parade happens. You could conceivably have a number of operators. Given the fact that you have also limited the cost, the fee structure—you have capped the fee structure—essentially you have no way to be able to price spots that are potentially more lucrative than others.

Do you envisage that there will be a lucky dip, that councils will have to pull the names out of a hat to try to be fair? What sort of certainty does that give to businesses? You talked previously about the fact that you want lower capital investment start-up businesses to start. Can I tell you as someone who has built food vans and also built shop fits, food vans are not cheap. If someone invests \$100,000 or even \$50,000 or \$60,000 in a food van, you are essentially giving them no guarantee of being able to trade anywhere, especially if through this you incentivise the oversupply of food trucks into a certain area.

Mr PICTON: I think absolutely what we are doing is making sure that food trucks can operate when they get a permit. At the moment, food trucks are unable to get permits across most council areas in South Australia. I think what we will see is most council areas identifying significant areas that might not be on main roads but might be next to parks or outside of towns or outside of the main shopping districts, where food trucks can operate.

This is what has happened interstate. You can look at various councils in Melbourne that have large food truck schemes that operate there. People will go to those areas, not because they are necessarily already there but because there is such an attraction for going to these vans and being part of these new food experiences and so it does not have to be on a main road to be attractive to the area.

If the suggestion is that somehow we should put in our regulations or our legislation some sort of scheme to manage what I think would be a very rare eventuality of, as you said, 30 food trucks wanting to use one particular spot, I think that would be over-regulation for what could be very easily worked out on a local level by local councils in the same way that Adelaide City Council has worked that out. If they have 30 or 40 trucks registered under their scheme, if they all wanted to use Victoria Square at the same time, then they would have the same issue as you are articulating; whereas they have worked out a way of working with their food trucks on a local level to manage that issue. They would still be able to do that under our legislation and regulation.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I would like to acknowledge in the gallery today students from Wilderness School, the 2017 SRC, and Mrs Broderick, who are guests tonight of the member for Flinders. We welcome you to parliament. I hope you have not had too hard a day and that you enjoy what is left of our bill this evening, which I am sure you understand is about mobile food vendors.

Bills

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Committee Stage

Debate resumed.

Mr KNOLL: You say that Adelaide City Council is currently able to manage these issues and that you can see that this is probably the area where you can have the highest amount of attraction. The truth is that currently the Adelaide City Council limits the number of permits to be able to deal with this issue.

They also try to spread the types of food vans that operate in certain areas in order to have a diversity of offers for the customer. You have essentially taken out of this bill the ability for them to manage that using those methods. You have actually tied the hands of the Adelaide City Council in terms of how they have been able to manage these situations, yet you still expect them to be able to come up with the same solution.

Mr PICTON: The Adelaide City Council still have applications open for permits. Not all their permits have been issued. The idea that somehow the only reason that there is not bedlam in Victoria Square every Thursday afternoon is that they have limited the number of licences is not true. It is because they work with the people on the local level—the people who have the permits with their local council—to manage this issue. I am not convinced that we should be adding in here a whole other regulatory scheme to manage what I think will be quite easily worked out on a local level.

Mr PISONI: Can you clarify what conditions, if any, there would be, or what requirements there would be, for a vehicle that does not fall under the description of a vehicle in the Road Traffic Act? How will you register or allow a permit for a vehicle that does not fall under the Road Traffic Act definition of a vehicle, such as a three-wheeler bike with a large ice chest on it, from which fruit salad or drinks are sold in Victoria Square?

Mr PICTON: I am advised that a bike, as suggested—and I think a number of these operate in the Adelaide City Council at the moment—would be able to apply for a licence under the draft regulations we have proposed.

Mr PISONI: Would they be compelled to apply? Would they be able to operate without a permit under this act?

Mr PICTON: No, they would not.

Mr GRIFFITHS: I just need to clarify that. Clause 4 of the legislation provides:

...[a] mobile food vending business means a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961);

Therefore, parliamentary secretary, your response that the regulations will allow it, even though the Road Traffic Act does not require it, confuses me.

Mr PICTON: Thank you to my advisers, and I should have acknowledged in my summing-up speech people who have worked on this issue, such as Chris Powell. The definition of a vehicle under the act referred to includes a motor vehicle, a bicycle, an animal-drawn vehicle, an animal that is being ridden or is drawing a vehicle or a combination, or a motorised wheelchair that can travel at over 10 kilometres an hour on level ground.

Mr KNOLL: To clarify that point further, what about, for instance, some sort of structure that is actually not a vehicle at all? What about an immovable box or cart that is not a vehicle in its own right, but a vehicle is used to drop it off? It sits there stationary in that position and, in and of itself, it is not a vehicle under the Road Traffic Act.

Mr PICTON: My advice is that a movable cart or other such item as described would not be able to be covered under this scheme.

Mr KNOLL: To clarify that point further, parliamentary secretary, people could design their carts in such a way as to be able to get around having to use permits for the purposes of this act.

Mr PICTON: I am advised that there are restrictions on dropping things that are not vehicles on a public road. Those restrictions would apply whether or not they are food trucks. That is why we have limited the bill to relate to the definition of a vehicle within the meaning of the Road Traffic Act 1961.

Mr KNOLL: Further to that, parliamentary secretary, I assume that some of these places will not necessarily be on roads. For instance, permits can be given for vehicles or carts to be placed on ovals or parks, as you described, and also in paved areas. I can see a whole host of situations where mobile food vendors could potentially put structures to sell food from that are not necessarily on something that would be considered a road under the Motor Vehicles Act.

Mr PICTON: This is only covering roads, so anything in terms of a park, as mentioned by the member, would be covered by the local council and the same permit regulations as they currently do at the moment. As I mentioned before in my summing up, things like festivals and Mad March and so on are not covered by this legislation. All those sorts of off-road events would be covered by separate applications to councils.

Mr KNOLL: You talked before about Victoria Square being quite a popular venue. Are you then suggesting that the mobile food vendors who park in that area are parking on the road at Victoria Square?

Mr PICTON: Adelaide City Council have extended what they do in terms of 'on the road' to include squares. They could do that in very much the same way in the future, but the regulations that we are putting in specifically just cover the roads and not other areas that would still be under the domain and the sole decision-making of the local council to consider.

The CHAIR: Before the next question, you are dealing with clause 4, so I want to put clauses 1 to 3 as printed.

Mr Knoll interjecting:

The CHAIR: No, you are talking about clause 4.

Mr Knoll interjecting:

The CHAIR: We are going to have to be very careful listening to what is going on because, if we are going to ask a million questions without getting onto a specific clause, that would be pushing the Chair.

Mr GRIFFITHS: I can accept it if we pass clauses 1 to 3 and go to 4.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The CHAIR: Thanks for your cooperation, member for Goyder. We are now winding up our questions on clause 4.

An honourable member interjecting:

The CHAIR: If you are going to be that pernickety, we are starting to count. The member for Unley is asking his first question on clause 4.

Mr PISONI: Under this bill, will councils be required to grant permits to vehicles that are operating on trade plates?

Mr PICTON: Trade plates?

Mr PISONI: Yes, vehicles that are not registered, but their plates are registered and mobile. That means they could actually have four or five food trucks and one set of trade plates. How is that monitored? Is it the actual food truck that has to be registered, or the registration number?

Mr PICTON: The registration of the vehicle still happens in exactly the same way as would happen for any vehicle that is on the road.

Mr PISONI: Yes, but a vehicle is not registered on a trade plate. It is the plate that is registered.

Mr PICTON: I understand. The trader, and therefore the vehicle, is registered in the same way. This act is not necessarily about registering the vehicles because, as we have said, the definition of a vehicle under clause 4 is in reference to the Road Traffic Act.

That can include vehicles, but also bicycles and other things that people could operate. We are being very careful that it is broad within that definition as to the types of things that can operate on the road. Presuming that those people met the other conditions and are operating in accordance with the law and the location rules for that council, they would be able to operate.

Mr PISONI: Just to clarify, what you are saying is that a used car dealer or someone running a panel shop or a paint shop who has an LMVD or similar could simply register a set of trade plates for family members, and they could then operate up to a dozen different food trucks? Is that what you are saying is the intent of this legislation?

Mr PICTON: We are getting into the realm of hypotheticals, but what we are saying is that—

Mr Knoll interjecting:

The CHAIR: Order!

Mr PICTON: —there is a definition of vehicles—

The CHAIR: The member for Schubert is on two warnings, and at this late stage of the day I hope he will refrain from interjecting. The parliamentary secretary has the call.

Mr PICTON: There is a definition of a 'vehicle' under the Road Traffic Act that we have referred to in this bill and, if you are operating a vehicle, you can apply for a licence to operate as a mobile food vendor under this legislation.

For instance, the discussion before was about bicycles. Obviously, they would not have any registration at all, which is a whole other controversial subject of course, but someone could operate a bicycle as a food truck if they complied with the rules under this policy and the policy of the local council and all the regulations attached to that.

Mr PISONI: What you are saying then is that councils can be forced to give permits for food trucks that are not registered.

Mr PICTON: If you have an unregistered vehicle, you cannot drive it on the road, so that would be the limiting factor in that.

Mr Pisoni interjecting:

Mr PICTON: That would be the limiting factor in regard to that.

Mr Pisoni interjecting:

The CHAIR: The member for Unley!

Mr PICTON: In terms of an unregistered vehicle, and as per the definition of a 'vehicle' in the Road Traffic Act, it could include a bicycle which would not be registered, and that would be okay to operate on the road because it is okay to operate that on the road under the Road Traffic Act. This does not change the types of vehicles that can operate on the road under the Road Traffic Act.

If there is an issue about particular definitions of those vehicles and what should be able to be operated on the road, then that is really a matter to discuss separately in an amendment to the Road Traffic Act. We are really just using the existing registrations available under that act to apply to this.

Mr PISONI: Just to clarify, can a council say to a food vendor, 'I am not giving you a permit because your vehicle is not registered'?

Mr PICTON: As I mentioned, there is a definition under the act of vehicles, and vehicles include things such as bicycles which are not able to be registered and do not have to be registered. People are able to use a bicycle in the way that has been identified in the Adelaide City Council area where there are those bicycles that already operate as a food truck, and they are able to be operated on the road. If you had an unregistered motor vehicle and you wanted to operate as a food truck, then you would be, from my understanding of the Road Traffic Act, in breach of the law by moving that vehicle around the city or anywhere else.

Mr PISONI: That is not my question.

The CHAIR: This is your last question.

Mr PISONI: My question is: will councils be forced to provide a permit to vehicles that must be registered to be on the road that are not registered? That is my question. What they do with them afterwards is their business.

The CHAIR: I think that has been answered.

Mr PISONI: This is an innovative new world.

The CHAIR: Member for Unley!

Mr PICTON: I am advised that councils can ask for the registration details when they are looking at the application and making sure that it complies with the act. Of course, even if there were to be a vehicle that was registered at that time and perhaps was not registered at a later period, you would not be able to use it on the road anyway because it would not be registered under the Road Traffic Act.

Mr GRIFFITHS: On that, I think there was a report recently that stated that 1,400 people per month were apprehended for driving offences without having a valid licence. I am concerned about an opportunity for people to be either not appropriately licensed or appropriately registered and insured for vehicles that they drive.

As an add-on to the questions from the member for Unley, if verification of registration being provided is required as part of the permit application, in three months' time if they want the monthly permit, or the next year if they want the yearly permit, does that also have to be provided? At the time of the initial application, do they have to confirm when registration expires and then, when the registration is renewed, do they have to provide a copy of it?

Mr PICTON: After seven questions on this, I am happy to go away and deal with this between houses or, if we do not finish with this now, to come back later and provide clarity on that. Of course, if we had been able to work with the opposition on the detail of this, we could have gone into much more detail. Bearing in mind that we have not been able to do that, I am happy to come back and look at whether some regulation needs to be altered in regard to that.

Mr GRIFFITHS: Can I report that, while the member provided me with a briefing about the legislation after initially tabling it and providing me with a copy of the draft regulations, I have been here for a bit longer than he has and that is not the way that it works.

Bipartisanship should exist, yes, but there is normally a briefing opportunity when the questions asked are not always given fulsome answers, so the fulsome debate occurs in this chamber, not necessarily in rooms outside this place.

Progress reported; committee to sit again.

At 18:00 the house adjourned until Wednesday 2 November 2016 at 11:00.

*Estimates Replies***YOUNG VOLUNTEERS**

In reply to **Ms SANDERSON (Adelaide)** (28 July 2015). (Estimates Committee B)

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

1. There is no register of South Australian volunteers. Volunteer numbers are estimated through population-level surveys. The Volunteering in South Australia in 2016 survey conducted by Harrison Research in June 2016 shows that volunteer participation in South Australia continues to remain high. An estimated 922,000 individuals aged 15-84 gave their time to help others in our communities through formal and informal volunteering, compared with 907,000 in 2014.

2. An estimated 160,000 young South Australians aged 15-24 years contributing their time to maintaining the welfare of others in the community through formal and informal volunteering.

SAMEAC

In reply to **Mr GARDNER (Morialta)** (28 July 2015). (Estimates Committee B)

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

1. In relation to the \$409,000 estimate provided for 2016-17 (subject to adjustment including for indexation), this broadly comprises \$304,000 for three FTEs and \$105,000 to support the role and function of SAMEAC, including fees paid to board members and supplies and services. Salaries and FTEs for SAMEAC, including fees paid to board members, are reported under sub-program 1.2 Policy & Community Development and supplies and services reported under sub-program 1.5 Multicultural Services.

MAZEL, MS J.

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

Ms Joslene Mazel transferred from the role of Chief Executive, Department for Communities and Social Inclusion to the role of Lead, French Strategy within the Department of the Premier and Cabinet, pursuant to section 36(1) of the Public Sector Act 2009.

The terms and conditions of Ms Mazel's employment, including remuneration remain the same as her previous agreement.

YOUNG, MS A.

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

Ms Adele Young was in the role of Executive Director, Productivity and Reform. The termination was due to organisational changes.

CHIRON SYSTEM

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): The Minister for Health has advised:

SA Health had been in dispute with Global Health/Working Systems since 31 March 2015. The dispute was resolved on 2 August 2016.

TAILEM BEND MOTORSPORT PARK

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): The Minister for Tourism has advised:

The state government agreed to provide \$7.5 million funding to the Peregrine Corporation to facilitate the Tailem Bend Motor Sport Park project. Any questions relating to operational matters should be directed to the Peregrine Corporation.

JOBS GROWTH FORECAST

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

The latest publicly available data published by the Australian Bureau of Statistics, released on 8 September, indicates that monthly hours worked in all jobs increased by 0.7% in trend terms in the year to July 2016, slightly faster than national growth of 0.6%.

The corresponding 'headcount' measure of employment during this period indicates total employment grew by 8,500 (or 1.1%) on a net basis, the fastest rate of jobs growth in five years.

ECONOMIC DEVELOPMENT BOARD

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

1. Workshops were held on 24 February 2016, 28 April 2016, 27 July 2016 and 10 August 2016.

The workshops were principally to provide unbiased and factual information about the National Electricity Market to delegates from large electricity consuming private companies operating in South Australia. These delegates were primarily from the mining and manufacturing sectors.

Senior government representatives from both the Department of the Premier and Cabinet and the Department of State Development were represented.

Other invited delegates also included AiGroup, the South Australian Chamber of Mines and Energy (SACOME) and BusinessSA.

The workshops included expert speakers from the Australian Energy Market Commission, the Australian Energy Market Operator, CQ Partners and Frontier Economics.

The intention of these workshops was to provide direct contact between private South Australian companies and experts in the operation of the National Electricity Market. Any specific outcomes that occur as a result of these workshops rest entirely with the board and management of the organisations that attended as delegates.

The Economic Development Board was completely independent and unbiased to any solution either presented or adopted by the delegates, if at all. The Economic Development Board's role was to act as an unbiased facilitator bringing the parties together.

2. There have been a total of four workshops held.

ECONOMIC DEVELOPMENT BOARD

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

The Economic Development Board had the following sub-committees in financial year 2015-16:

1. The Ageing Well Sub-Committee
2. The Utilities Sub-Committee
3. The Value-add and Industry Growth Sub-Committee
4. The Regional Development Sub-Committee; and
5. Eyre Peninsula Sub-Committee.

ECONOMIC DEVELOPMENT BOARD

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

1. The Economic Development Board's sub-committee determined that the most effective way to assist the region was to provide a financial contribution to the Regional Development Australia—Whyalla and Eyre Peninsula (RDAWEP) office's creation of a regional development plan. This was being conducted on behalf of the RDAWEP by the South Australian Centre for Economic Studies.

2. The sub-committee has not provided any direct recommendations to the state government.

3. Mr Rob Chapman, Mr Rob Kerin and Mr Terry Burgess.

ECONOMIC DEVELOPMENT BOARD

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

Professor Göran Roos is not a member of the Economic Development Board's Eyre Peninsula Sub-Committee. He received remuneration of \$45,000 in 2015-16 as a member of the Economic Development Board.'

ECONOMIC DEVELOPMENT BOARD

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

1. On Sunday, 18 October 2015, it was announced that the Parafield Airport Cross Keys Precinct had been selected as the preferred site for the Northern Adelaide Food Park.
2. On-ground works are targeted to commence by the end of 2016, with construction to commence in 2017. Although it depends on the duration of construction activities, it is targeted that one anchor tenant would be operational in the Food Park by December 2017.

ECONOMIC DEVELOPMENT BOARD

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

Since November 2015 industry workshops have been held with cell therapy manufacturing, advanced sensors, macroalgae and ageing well industry sectors.

The Economic Development Board is sponsoring the development of the Shaping the Future of SA Ageing Well program with the support of Foundation Partners. This has involved convening a series of dedicated, end user, informed and industry-led workshops encompassing themes relating to the Ageing Well sector, such as food; places, housing and transport; preventative health; financial services and tourism, events and recreation.

The board also hosted an industry-led workshop in May 2016 which saw representatives from national, international organisations and state and local government take part to explore the idea of establishing a Living Laboratory to trial and test products and services for the Ageing Well sector. A second industry led workshop was hosted in August to further explore this concept.

FUTURE FUND

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

A Future Fund model has been developed that sets aside a portion of royalty revenues (taking into account horizontal fiscal equalisation) and above trend growth in taxation and GST revenues, subject to the achievement of a net operating surplus. Under the model, additional monies could also be contributed to the fund at the discretion of the Treasurer.

A bill based on this model has been drafted. The introduction of the bill is pending the government's response to the Nuclear Fuel Cycle Royal Commission.

The need for a Future Fund has become less urgent given the current trends of the mining industry.

The commission's report, delivered in May 2016, proposed the establishment of a State Wealth Fund to ensure that the economic benefits associated with an inter-generational nuclear waste storage facility will flow to future generations of South Australians and also a Reserve Fund, to provide for the costs of decommissioning, remediation, closure of the facility and long-term monitoring.

The government's response to the royal commission's report will be informed by extensive statewide community engagement and consultation, including two citizens' juries.

NUCLEAR FUEL CYCLE ROYAL COMMISSION

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): The government is committed to provide its response to the royal commission's report by the end of 2016.

An extensive community consultation is underway to support a conversation about the royal commission's report and the key themes raised by the citizens' jury including safety, economics, trust and community consent.

The government recognises the importance of a staged approach and careful planning should any future steps be taken to pursue the opportunity to establish facilities to store and dispose of waste from overseas countries that have nuclear power (high and intermediate-level waste).

The royal commission provides a number of case studies about siting significant facilities. For example, site investigations and processes that resulted in the selection and development of the Onkalo Deep Geological Repository in Finland have taken place since the early 1980s and included sustained community engagement.

The royal commission also found that deadlines set primarily for commercial and technical reasons, without considering the community's need to consider and digest information, can undermine community confidence.

CONSULTANTS AND CONTRACTORS

In reply to various members (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): The following information is provided on behalf of all Ministers:

The Department of the Premier and Cabinet Circulars PC013—Annual Reporting Requirements and PC027—Disclosure of Government Contracts covers payments to consultants and large payments to contractors.

The annual report will show payments to consultants in excess of \$10,000 and the nature of their work.

Contract Disclosure requires certain information about contracts to be published on the Tenders SA website:

- Contract title
- Contractor's details
- Start and end date of the contract
- Contract value; and
- Procurement process used.

The Contract Disclosure requirements apply to all consultancy contracts and other goods and services contracts where the value of the contract is more than \$500,000.

TARGETED VOLUNTARY SEPARATION PACKAGES

In reply to various members (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): Information on TVSPs can be obtained from the Auditor-General's Annual Report to Parliament.

There is no budget over the forward estimates and any packages offered are to be funded within existing agency budgets.

MINISTERIAL STAFF

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised of the following:

For a list of ministerial staff and salaries please refer to the Government Gazette published in September 2016.

Non-ministerial appointments are as follows:

FTE	Classification
1	AS08
0.8	AS07
2	AS06
3	AS05
2	AS04
3	AS03
1	AS02

STRUCTURAL CHANGES AT HINDMARSH

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

I am advised the overall expenditure for the Partnerships Performance Review Room was \$207,484.10. This included \$76,411.50 for room refurbishment costs associated with all demolition, floor coverings, electrical, plumbing, painting, air conditioning and structural works. A further \$29,794.47 was spent on furniture fit-out. \$101,278.13 was spent to supply and install ICT equipment software and hardware.

The space was formerly a science laboratory teaching space and included fixed work pods, benches, vinyl flooring, movable walls and sink facilities. This needed to be changed in order to transform the space into an appropriate room for partnerships training and development.

DEPARTMENTAL STAFF

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

As at the last pay day in June 2016 there were 222 employees on secondment, loan or any other form of temporary arrangements from schools to a central location compared to 276 employees as at June 2015.

Please note that the administrative systems for extrapolating data on the department's workforce are not structured to precisely extract employees who are specifically based at central office. The numbers include employees appointed under Section 101B of the Education Act or as a seconded teacher and who are working in a central location.

BETTER BEHAVIOUR CENTRES

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

There are four metropolitan primary centres and two regional secondary centres, all co-located with mainstream schools.

Metropolitan primary BBCs run two groups of part-time students, each for two days per week, with a maximum of 10 students per group. The students are in years 3 to 7. Students attend their enrolled school for the rest of the week. The total maximum capacity for each primary BBC is 20 students placed for up to 4 terms.

Regional secondary BBCs have full-time students placed for up to two terms with a maximum capacity for 15 students. The students are in years 8 to 10.

Changes to maximum capacity or an increase in placement flexibility is limited by the staff to student ration which reflects the complexity of the BBCs' targeted student cohort. This is consistent with the Department for Education and Child Development's industrial arrangements for sites and centres designated as behaviour units.

ANNUAL PROGRAMS, BUDGETED EXPENDITURES

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

The Annual Investing Program increases by standard indexation of 2.5% in each year of the forward estimates.

Expenditure budgets for the 'Fire Restoration' and 'Small programs' program are established as required and as such there is no budgeted expenditure for the forward estimates for these two programs. The 2016-17 budget for the 'Fire Restoration' program is related to the Victor Harbor High School fire which was funded from DECD Capital Program.

	16-17 (\$'000)	17-18 (\$'000)	18-19 (\$'000)	19-20 (\$'000)
Capital Works Assistance Scheme—Investing	3,108	3,185	3,265	3,347
Fire Restoration—Investing	2,000	0	0	0
Major Feasibility Studies	458	470	482	494
Purchase of Land and Property	1,152	1,181	1,211	1,241
School Bus Replacement	1,151	1,180	1,210	1,240
Small Programs	0	0	0	0

LAND PROPERTY AND SCHOOL BUS PROJECTS

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): In respect of land properties I have been advised of the following:

In 2016-17 the Department for Education and Child Development (DECD) has a land acquisition budget of \$1.152 million.

At present, the following land acquisitions are expected to be finalised in 2016-17 within the approved DECD land acquisition budget:

- Littlehampton Primary School—2 residential properties adjoining the school site
- Angle Vale Preschool—purchase of the preschool site (adjacent to Angle Vale Primary School)

Renewal SA, on behalf of DECD, remains in negotiations with the owners of the properties listed above, which DECD is seeking to acquire. Renewal SA has advised that disclosure of the purchase price of these properties would compromise the ongoing negotiations with the land owners and therefore it is not possible to disclose this information.

In respect of school bus projects I have been advised that school bus replacement budgets are annual provisions that are used as required. There are no specific projects in place at this time. Buses are replaced when they reach the end of their useful lives.

VOLUNTARY AMALGAMATION PROGRAM

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

Ten formal market valuations have been requested to date under the Voluntary Amalgamation Program.

WILLIAM LIGHT SCHOOL

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

The New CBD School stakeholder group includes parent representatives (the governing council chairs of selected primary schools), a nominated primary and high school representative, along with the Australian Education Union and relevant principals' associations. The Adelaide High School Governing Council Chair has also been included on the group.

The primary schools' governing council chairs on the stakeholder group were selected to ensure representation for families living in the education area:

- Central CBD (Gilles Street Primary School)
- North (Prospect Primary School)
- East (Walkerville Primary School)
- South West (Richmond Primary School)

In addition, the principals of North Adelaide Primary School and Adelaide High School were selected to represent the feeder primary schools in the area and the neighbouring secondary schools, respectively. The principal of the New CBD School will also be on the stakeholder group, once selected, along with the designated Education Director.

DECD will provide the opportunity for other neighbouring schools, such as William Light R-12 School, to provide input regarding the New CBD School and any feedback on decisions that may impact them.

VIDEO PRODUCTION

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

The Department for Education and Child Development produces videos for a range of purposes, including the professional development of employees, promotion of initiatives and as a form of communication on important information and expectations to employees.

Some examples of videos produced by the department in 2016 include:

- A series of 'webisode' resources to support the development of professional knowledge and skills of early career teachers
- Promotion of Aboriginal Children and Family Centres for presentation at national conferences and across agency audiences
- Resources to use as part of induction and training about roles in residential care

The increase in expenditure from 2015 to 2016 is due to a significant project to develop 6 'webisodes' as well as a fully interactive online learning module for Introduction to the Australian Professional Standards for Teachers. The value of this work in total was \$180,000. The cost of the videos versus the online learning module could not be isolated.'

DEPARTMENTAL STAFF

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

None of the employees who separated were in the process of disciplinary action or were terminated on performance grounds.

WORKERS COMPENSATION EXPENDITURE

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

The actuarial valuation of the workers compensation liability is undertaken by the Office for the Public Sector on an annual basis.

Following the actuarial valuation, a budget adjustment resulting in an increase in workers compensation expenditure in 2016-17 (\$1.9 million) and across the forward estimates was processed.

ACTIVITY INDICATORS

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised that the Department does not produce the information you have requested.

PRESCHOOL RELOCATION PROGRAM

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

Preschool Relocation Program	Total Project Cost \$'000	2016-17 Budget \$'000	Site Relocations
Jamestown B-12	3,082	0	Jamestown Community CPC relocated to Jamestown Community School
Lockleys Preschool	3,500	0	Lockleys Preschool relocated to Lockleys North Primary School
Miltaburra Preschool	388	0	Miltaburra CPC relocated to Miltaburra Area School
Cranston Street Preschool	3,100	0	Cranston Street Kindergarten relocated to Port Lincoln Junior Primary School
Morphett Vale Preschool	3,030	0	Morphett Vale Preschool relocated to Pimpala Primary School
Sir Thomas Playford Kindergarten	2,600	0	Sir Thomas Playford Kindergarten relocated to Elizabeth South Primary School
Maitland Preschool	2,040	800	Maitland Preschool relocated to Maitland Area School
Woodville West Kindergarten	1,950	500	Woodville West Kindergarten relocated to Seaton Park Primary School
Ashton Kindergarten	2,100	0	Ashton Kindergarten relocated to Uraidla Primary Schools
	21,790	1,300	

I am advised the delay in the completion of the program was due to two projects. The Woodville West Kindergarten relocation project was upgraded to a Children's Centre as part of the 2015-16 State Budget. The Maitland Preschool relocation required more time for consultation as part of the Voluntary Amalgamation Program.

EVANSTON GARDENS PRIMARY SCHOOL

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

The following budget table includes the actual results and estimated results for the total cost of the Evanston Gardens Primary School project.

	\$'000
Actual 2013-14	115
Actual 2014-15	334
Estimate 2015-16	2,420
Budget 2016-17	3,131
	6,000

The actual result for 2014-15 was \$0.334m. The difference between the actual result and the estimated result for 2014-15 of \$1.051m was re-profiled into 2016-17. The sum of the actual result plus the estimated results for 2015-16 and 2016-17 equal \$6.0m which is the original announced budget.

TRADE TRAINING CENTRE PROGRAM

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

The Trade Training Centre program is now complete and was delivered within the approved budget of \$78.8 million.

MERIT CEREMONY 2016

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

The total cost for the 2016 Merit Ceremony, held on Tuesday 9 February 2016, was \$104,200.

SOUTH AUSTRALIA POLICE

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

The expense was for the provision of onsite security services by SAPOL. In addition to security in the guard house at Government House, SACE is required to hire additional security guards to roam the grounds and monitor the Kintore entrance. This is based on advice from Government House. SAPOL is used as they are the official providers of onsite security at Government House.

NATIONAL QUALITY AGENDA, PRESCHOOLS

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

The actual result for 2014-15 was \$2.039m. The difference between the actual result and the estimated result for 2014-15 of \$4.215m was re-profiled into 2015-16. The sum of the actual result plus the estimated results for 2015-16 and 2016-17 equal \$12.026m which is the total project cost as published.

	\$'000
Actual Result 2012-13	24
Actual Result 2013-14	290
Actual Result 2014-15	2,039
Estimated Result 2015-16	6,673
Estimated Result 2016-17	3,000
Total Project Cost	12,026

PRESCHOOL ATTENDANCE RATES

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

There were two reasons for the differences between the 2014-15 actual and the 2015-16 estimated preschool enrolment and attendances reported in the 2016-17 budget papers. The first was due to an adjustment to the preschool enrolment count to exclude early entry children (there were 409 early entry enrolments not included in the enrolment count for the 2015-16 estimated result) and the second was due to a decrease in the preschool-aged population between 2014 and 2015 (the four-year-old population in South Australia decreased by 242 children in 2015).

In 2015, South Australia was assessed by the Australian Government as having 100 per cent of children in their year before full time school enrolled in an early childhood education program.

In regards to the number of available places in Department for Education and Child Development (DECD) preschools, there are currently 29,218 places based on the full-time physical capacity of our 382 preschools. Based on the number of preschool enrolments reported for DECD preschools in the 2015 Annual Census, the utilisation rate in greater metropolitan Adelaide was 67 per cent and 45 per cent for preschools located in regional and remote areas.

Under the National Quality Framework from 1 January 2016, preschools in South Australia must meet an educator to child ratio of 1:11. There are always a small number of DECD preschools that reach full capacity each year. These services implement their priority of access policy in deciding on which enrolments to accept. The circumstances of the child and family would be considered by these services when prioritising enrolments, with a focus on access and equity.

SACE MODERNISATION

In reply to **Mr GARDNER (Morialta)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

The SACE is made up of two parts: Stage 1 (which most students do in year 11) and Stage 2 (which most students do in year 12). A student may undertake one or more Stage 2 subjects whilst in year 11. The Research Project, like any Stage 2 subject, can be undertaken by students when they are in year 11 or year 12. However, regardless of the year level students are in when they take the subject, the Research Project is assessed as a Stage 2 subject. The successful completion of Stage 2 Research Project is a compulsory SACE requirement. Therefore data is not collected as to whether Stage 2 Research Project is done in year 11 or year 12.

EMPLOYEE BENEFIT EXPENSES

In reply to **Mr BELL (Mount Gambier)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

As at 30 June 2016, there were 2,338 employees on leave with pay, which includes Annual Leave, Sick Leave, Retention Leave, Long Service Leave, Maternity/Adoption Leave and Special Leave. Employees may have utilised a combination of these leave types. Of the 2,338 employees, 12 have been on leave with pay for a period over 12 months.

The majority of leave with pay taken is for a short duration. Of the employees who were on leave with pay as at 30 June 2016, 65% (1,528) were on leave for a period of one month or less.

NAPLAN RESULTS

In reply to **Mr BELL (Mount Gambier)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

Annual NAPLAN results, including participation rates, absence and exemption rates, are published by the Australian Curriculum Assessment and Reporting Authority (ACARA) on the National Assessment Program website. The results from 2008 to 2016 are readily available from <http://www.nap.edu.au/results-and-reports>. The 2016 results are preliminary at this stage, with the final 2016 National Report due to be published by ACARA in early December 2016.

TEACHERS

In reply to **Mr DULUK (Davenport)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

Department records indicate that there are approximately 2,700 DECD teachers with masters degrees, however, as it is not currently mandatory for DECD employees to record their qualifications with the department over and above the minimum teaching requirement, this figure is an approximation only.

CHILD PROTECTION

In reply to **Ms SANDERSON (Adelaide)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

A total of 482 children had at least one commercial facility (emergency care) placement for at least one day in 2015-16.

As I noted in the estimates hearing, the count of children in commercial facilities (emergency care) does not include placement with emergency foster carers.

The majority of children placed in a commercial facility (emergency care) are placed with commercial carers, and a small number are placed with non-government organisation carers.

FAMILIES SA

In reply to **Ms SANDERSON (Adelaide)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

As I indicated in the estimates hearing, response times for each tier category are not captured in the Families SA client case management system and so cannot be reported.

A national measure is reported in relation to time taken to commence an investigation. This can be found on the report on government services website.

In 2014-15, South Australia reported commencing 74.2% of investigations within 7 days, which was the third highest of all jurisdictions and better than the Australian average of 61.4%.