HOUSE OF ASSEMBLY

Wednesday, 17 May 2017

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:02 and read prayers.

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

Parliamentary Committees

JOINT COMMITTEE ON MATTERS RELATING TO ELDER ABUSE

Ms COOK (Fisher) (11:03): I move:

1. That it be an instruction to the Joint Committee on Matters Relating to Elder Abuse in South Australia that its terms of reference be amended, by leaving out at the end of paragraph (j) the word 'and' and paragraph (k) and inserting the following new paragraphs—

   '(k) the findings of the Oakden report by the Chief Psychiatrist of South Australia;

   (l) the selection and screening of staff working in the aged-care sector; and

   (m) any other related matter.'

2. That a message be sent to the Legislative Council transmitting the foregoing and requesting its concurrence thereto.

I have provided the house with a list of amendments to the terms of reference of the Joint Committee on Matters Relating to Elder Abuse in South Australia. I express my deep concern for older people in all residences and community settings and their fear of mistreatment by those who would perform such acts against them. I reassure them and express my commitment, as a clinician, to ensure that we, as a government and a parliament, learn from anything that may have happened in the past to ensure that our older people in South Australia can be assured that they are safe into the future. That said, I seek the support of the house on this matter.

Mr TRELOAR (Flinders) (11:05): I move:

That the debate be adjourned.

Motion carried.

Ms COOK: Sir, I seek clarification. Is the member seeking to adjourn the debate?

The SPEAKER: I will put it again, whether the debate is adjourned. I will give the member for Flinders a moment to consider the opposition's position.

Mr TRELOAR: I do move that we adjourn this debate, sir.

The SPEAKER: The member for Flinders has moved that the debate be adjourned. I will put the question.

Motion negatived.

The Hon. S.W. KEY (Ashford) (11:06): I am very pleased to support this motion. We are having a general investigation with regard to matters relating to elder abuse in South Australia that has been initiated by members in this house to look at matters that are of concern to us as members of parliament, and certainly to look at matters concerning people who are older. As we will hear a bit later, to be 'older' you need to be over 45. The brutal fact is that when you look at the Australian Bureau of Statistics' census screening it states that, in the case of a paid worker, someone over 45 is an older worker.

There are many who would be very concerned, I am sure, about any abuses to the older part of our population. We have a number of services and accommodation, including supported accommodation, that are available to older people. Regarding the current investigation and action

that is being taken by the government with regard to the Oakden report, I certainly agree with the member for Fisher that that has been of real concern to all of us. It seems to me that it would make sense that we include these terms of reference in addition to the investigation that is already taking place.

I understand that the shadow minister in the other place supports this addition to the inquiry, and I understand that there is a very similar motion in the Legislative Council, to be considered this afternoon by the members, to make sure that this is part of the investigation. So, I am really wondering why we would want to adjourn the matter, or why we would want to delay adding this to an investigation that is already taking place. It seems to me that there must be some misunderstanding between the houses about where we are going with this investigation. I certainly support the motion from the member for Fisher:

1. That it be an instruction to the Joint Committee on Matters Relating to Elder Abuse in South Australia that its terms of reference be amended, by leaving out at the end of paragraph (j) the word 'and' and paragraph (k) and inserting the following new paragraphs—

   '(k) the findings of the Oakden report by the Chief Psychiatrist of South Australia;

   (l) the selection and screening of staff working in the aged-care sector; and

   (m) any other related matter.'

2. That a message be sent to the Legislative Council transmitting the foregoing and requesting its concurrence thereto.

I am really not sure why we would not want to just get on with this unless there has been some misunderstanding.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:10): I rise to speak on the notice of motion in the name of the member for Fisher to instruct a variation to the elder abuse inquiry, which is currently the subject of a joint committee motion, to include consideration of the Oakden issues, including the Chief Psychiatrist's report. The opposition are keen to expand the terms of reference of the existing committee, but not exactly in the terms proposed in this motion, as I understand it; in any event, the addition of 'any other related matter' may well cover that aspect.

The greatest concern we have in respect of the whole Oakden circumstance—notwithstanding that myriad investigations and reviews are going on in respect of it—is what has been identified in the Oakden report by the Chief Psychiatrist, that is, questions on why the deficiencies in the service and management at the Oakden facility, both in the Clements House and in the Makk and McLeay facility, that component being related to residential care. The fact is that all the residents at this facility are aged and, ostensibly, some are there transitioning to other facilities in Clements Ward, and then there is the aged-care residential facility in Makk and McLeay.

It is very concerning to our side of house that, for whatever reason, the Chief Psychiatrist did not pick up some of these deficiencies when he visited in June 2016, but after the report was commissioned by the chief executive of the regional office into the services, standards of care and compliance matters on 19 December last year we now have a scathing document that confirms the worst.

It seems that at present, in addition to allegations that some of our older people are vulnerable in the aged-care sector, we now have a situation that in the only facility owned and operated by the state government we have examples of overdosing of medical prescriptions of up to as much as 10 times the prescribed amount, we have conduct that suggests that there has been overuse—and even illegal use—of restraints on patients, we have had an utter failing of the mandatory obligations on the staff for the recording of and notifications in respect of the use of restraints and we have outstanding allegations of the alleged assault of patients by carers in that environment.

Each and every one of these is recorded and referred to in the Chief Psychiatrist's report, and the owner of this facility, the South Australian government, clearly needs to do something about it. It is very disappointing to us on this side of the house that the minister left in charge of this issue is still the minister, not because she could be directly blamed for the conduct of persons within the facility but because she has utterly failed to act on these matters.

At best she has condoned the intervention by virtue of the report being commissioned to the Chief Psychiatrist. But why would any minister allow that to be the only investigation when, firstly, the Chief Psychiatrist had failed to identify something and, secondly, the Chief Psychiatrist is within the sector, is employed within that sector and is within that division in SA Health?

Why was there not an independent inquiry commissioned straightaway? Why was there no announcement to the people of South Australia that she had authorised or supported this investigation back in December last year? Why was this kept a secret until 17 January 2017 when the plight of the family members of the deceased went to air on ABC television? You cannot just have internal investigations into yourself and then expect the public to have any confidence in what the hell is going on.

I agree with the member for Fisher that we need to expand the terms of reference of the existing committee. We cannot afford to waste time in our joint select committee having to take on a new composition, a new group and a new commission to do this. We urge them to get on with it. I urge the government and those who are in charge of this government to make sure that they put a competent minister in charge of this issue.

In the meantime, as we heard yesterday, she has allowed a person who is alleged to have assaulted a patient at Oakden on multiple occasions to still be working there as we speak. It is just mind-blowing to me that we are in a situation where she has given a ministerial direction that no-one who has had allegations of risks to patients is to be left in the workforce out there, yet she came in here yesterday and told us that that is exactly what has happened, that there is somebody still there with multiple allegations against them.

She did not pick it up and her department did not pick it up. A visitor of a family member recently went to the facility and said, 'This person is still there on the shift.' It is just mind-blowing to think that we have the oldest, sickest and most vulnerable people in a secure facility at Oakden and we do not have a minister who is prepared to explode the public light onto what is going on at that facility.

That in itself is damning, I think, of the senior people who sit in this government who have clearly run 100 miles away from it. None of them wants to know anything about this and they are not prepared to make those decisions. So, yes, we do need to shine a light on this and find out what on earth is going on so that we can protect these extremely vulnerable people. With that, I indicate from the opposition's perspective that we will certainly support this extension of the terms of reference, and I thank the member for Fisher for bringing it to our attention.

Ms COOK (Fisher) (11:18): Thank you to the member for Ashford and the member for Bragg for speaking in support of this important motion, which will expand our terms of reference to include a more detailed investigation into this unique facility and its circumstances. I am particularly interested and determined to look into the clinical governance practices and the professional practice responsibilities around staff working in these settings. With that, I thank the house for its support and commend the motion.

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: 67 IS THE NEW 40

The Hon. S.W. KEY (Ashford) (11:19): I move:

That the 27th report of the committee, entitled '67 is the new 40—inquiry into work, health and safety and workers compensation issues associated with people working longer', be noted.

The occupational safety, rehabilitation and compensation committee—that committee really does need a new name—has had an ongoing interest in issues associated with an ageing workforce. The committee provided a briefing report to this house in March 2013, following a meeting with the then commissioner for ageing and disability, the Hon. Susan Ryan AO. Since then, there has been significant interest in the community in finding ways to assist older people to continue in the workforce for longer. Eligibility for the age pension is increasing over the next few decades, with the expectation that people will continue in the workforce until they are at least 70 years of age.

As I said, 67 is the new 40. We are all getting older and we are all getting better at the same time, in my view, particularly on this side. There is a lot of improvement over on that side, too, and certainly in you, Deputy Speaker. The committee has examined a number of areas affecting older Australian workers, including workforce participation and barriers to employment; access to workers' compensation and work insurance; different insurance coverage for workers at different ages, such as travel insurance (I was very concerned to receive evidence on that); superannuation and early retirement; healthy ageing; support, education and training; and re-entry into the workforce following early retirement, redundancy or for other reasons.

We only received a small number of submissions. We heard evidence from the Council on the Ageing (COTA) in particular and undertook research on emerging issues associated with the ageing workforce. Macro-economic factors that affect employment, savings and investments are affecting decisions that individuals make about their future. Technological change, while helpful, is also disrupting many areas of our life, reshaping the way businesses operate and affecting the labour market. The shortage of young skilled workers to replace retiring older workers is one reason that older workers are encouraged to remain in the workforce.

As I have mentioned before, the Bureau of Statistics considers anyone over the age of 45 a mature-age worker. The proportion of people over 65 years is increasing and will double by 2055. I noticed in a recent InDaily article that they are certainly looking at this issue, the headline being 'Workplace age discrimination hitting those as young as 45'. That article also talked about the Australian Human Rights Commission report, Willing to Work, but also covered a whole lot of areas that are happening in South Australia, which I think are a great concern to all of us.

There are more mature-age people in South Australia than in the nation as a whole, which of course presents some different challenges and opportunities. While there is no longer a compulsory retirement age, many people choose to retire when they become eligible for an age pension or their superannuation provisions, whatever they might be, if they have it. However, for a variety of reasons, people are deciding to work longer. A report into the workforce participation rate of workers aged over 55, comparing 34 OECD countries, found that, while New Zealand ranked second behind Iceland, Australia achieved the midway point of 16.

Nationally, people aged over 55 make up about a quarter of the population but only 16 per cent of the workforce. In 2013, the Economic and Finance Committee found the workforce participation rate of people over 55 in South Australia was below the national average. More women in older groups are now working than in previous generations, but the male population participation rate has been declining. This is largely due to technological changes that impact on mainly traditionally male occupations.

The Australian Human Rights Commission and COTA SA found that the main barriers to workforce participation of older people included discrimination due to underlying assumptions and stereotypes associated with ageing, the lack of work flexibility, the lack of training and upskilling opportunities, and physical injury or illness. Good work is beneficial for physical and mental health, but unsafe, unhealthy work reduces the prospect of healthy ageing and places increasing pressure on public health and social services.

We are all living longer, but white-collar workers have a longer life expectancy than blue-collar workers because their jobs involve more risks to health and safety. Due to the nature of work undertaken by many blue-collar workers, they are more likely to suffer serious physical injury and illness. Lower levels of education reduce their opportunity to move into other areas of employment and successfully complete retraining.

Physical and emotional demands on workers—a topic particularly for today—in the aged-care sector and many health-related fields adversely affect the ability of those workers to work longer. There is an increasing need for employers to prevent work-related injuries and to reduce the risks of ageing associated with work processes by redesigning work and work practices, ensuring healthy work environments, providing training opportunities and promoting health-related programs.

Most employers are aware of the importance of maintaining a healthy workforce but have limited knowledge of what they can do. Lack of flexible work arrangements may prevent workers from investing in their own health and wellbeing, and they may not be aware of the actions they can

take. I would also say—I think this is an important aside—that, because of the high number of small businesses we have in South Australia, there are also some limits to what employers and people in workplaces can actually do without a lot of extra costs that they are not able to bear.

Workers who retire prematurely or lose their job risk the double jeopardy of having insufficient funds for their retirement and potentially not being able to find other suitable employment. White-collar workers are more likely to live longer and usually have access to healthier workplaces and flexible work arrangements. They are able to transition to retirement by reducing their hours or the number of days they work, although flexible work arrangements are not available to everyone. I cannot count the number of constituents who have come to me where really, if they had had a bit more flexibility in their workplace, they would have been able to work for much longer and more efficiently. So, we are certainly not there yet.

The South Australian Fair Work Act does not provide similar provisions to those of the commonwealth legislation in enabling people to make an application to their employer. As I said, flexible work arrangements are important for all workers, and we need to make sure that those arrangements are available to benefit all workers, particularly young ones, who may have family responsibilities, and older workers, who have a diverse number of responsibilities and needs.

I guess because of the age I am, I am very aware of my friends having caring responsibilities that include partners, friends and parents. Because of the high number of people who live by themselves, they are also taking on responsibility for neighbours. Grandchildren also seem to dominate most of my friends' lives. We need to take all those things into consideration if we seriously want people to stay in the workplace.

There is also a need to make sure that people can financially stay in the workplace and that we have proper provisions for retirement. Many people combine their retirement with joining that absolutely wonderful part of our community, the volunteers, who do a lot of unpaid work and take up a lot of responsibility in the community. We are told that in our state we are looking at a contribution of about $5 billion by volunteers into our state economy.

Flexible work arrangements, combined with the transition to retirement, allow older workers to combine working with being actively engaged with other interests, activities and family responsibilities. Many large employers embrace a multigenerational workforce and support older workers' transition to retirement. Many small employers, as I have said before, would like to do all these things, but they are really just not as available.

Our committee believes that flexible work arrangements will benefit all workers. For this reason, the committee recommends that the South Australian Fair Work Act be amended to reflect the flexible work arrangements as laid out in the commonwealth legislation The committee found that a wide range of information is available to older workers but that it is scattered. It is not easy for older people, or anybody, to locate the information that supports their interests or wellbeing and the economic opportunities available to them.

I must make special mention of COTA; it is a fantastic organisation and one I often ring up to get advice for constituents and put constituents in touch with in regard to a whole lot of issues. Because information is quite literally all over the place, the committee recommends that the Minister for Ageing develop a whole-of-government internet gateway to address this gap. This would just be one of the ways in which we could try to put that information together.

The committee recognises the limitation of this particular inquiry report and considers it an ongoing matter for the committee to monitor. We started on this road in the last session of parliament, and it seems to be an issue that keeps coming up in our committee. We have accepted the fact that the committee needs to look at this in an ongoing way, and I know it would also be of interest to the parliament.

The committee prides itself on making practical recommendations, and for this reason we have four recommendations that we believe identify policy gaps that will assist employers and older workers. The macro-economic factors are beyond the control of any one individual in the labour market, and technology is changing the way business is conducted and operates. Organisations that

embrace a multigenerational workforce and acknowledge the different contributions of all workers will certainly benefit in their strategic planning in the future.

Finally, I would like to thank the Hon. Susan Ryan AO for her attendance at the committee and for her ongoing contact with the committee, and for the assistance of ReturnToWorkSA in providing statistical and research reports that helped the committee in its deliberations. As I said, I would like to thank all those who made submissions to the committee, they really were appreciated, and COTA, for their substantial contribution, and for giving up their time to appear before the committee.

I would like to thank the members of the committee. We have a great committee, which comprises the member for Fisher; the member for Schubert; until recently, we had the Hon. Gerry Kandelaars, who retired and is very much missed, but he has been ably replaced by the Hon. Justin Hanson; the Hon. John Dawkins; and the Hon. John Darley. I also express my appreciation to our excellent committee staff, Ms Sue Sedivy, and research officer, Mr Peter Knapp.

Mr KNOLL (Schubert) (11:33): I rise to speak on the latest inquiry from 'the little committee that could', the hardest working committee in the parliament. For a long time, the input from parliamentary committee members was done for love rather than for money. Certainly, we all had an enthusiastic focus on ensuring that the committee came up with some reasonable bodies of work that help to improve our work life. This issue is one that has been coming at us for a long time. It is a demographic tsunami that has been slowly and gently heading towards us since the end of the Second World War, and we are now coming into the early phases of the retirement of whole swathes of the baby boomer generation.

These changes have important implications for individuals themselves and also for the broader economy. This is also coupled with the fact that life expectancy has vastly improved. When the pension scheme was first introduced in Australia, the average life expectancy was not even at the age of retirement. Now we see that on average people are living 20-plus years beyond the age of retirement. We have had to grapple with the fact that there is going to be a large proportion of the country who no longer works. What does that mean for our society and for these individuals?

Firstly, from a personal point of view, trying to do things to keep people in work longer is important because superannuation reform as it existed in the 1990s means that people who are now retiring have only had superannuation for 20 or 30 years, and those nest eggs are not potentially enough to retire on. It is obviously not an issue for parliamentarians who have been in this parliament since 2002 or longer, but it is a real issue. There is a personal and economic case for an individual to say, 'Hey, I need to do what I can to stay in the workforce for longer.'

From a money point of view, that is certainly an issue, but there is also an issue around transition. The number of older people who I have spoken to—and certainly the workers who worked for me who were around the retirement age—wanted to transition into retirement because they had seen friends around them who had had a hard stop date. Unless they had something to go on to, some sort of volunteer work or activity to keep them busy, they actually quickly deteriorated in retirement.

There is this idea of transitioning into retirement. In the same way that we look at working mothers and fathers going into part-time roles, older people should and could be afforded the same level of flexibility. That is the key recommendation of our committee, and something we are all very committed to, because we want to make sure that people step down into retirement so they can transition not only their work life but the other side of their non-work life—their family life, their recreational life. We want to ensure that that transition is done in way that they can adjust and keep themselves happy, healthy and fulfilled.

There are also some real positive health benefits from getting this right within the right context. The member for Ashford talked about blue-collar versus white-collar and redesigning work. There are some positive health benefits in keeping people in the workforce. From an economic point of view, there is also a very strong case to answer. It probably impacts upon the federal government more in terms of personal income taxation, but it also flows through to consumption and GST revenue.

There will be a whole cohort of workers retiring who will be living on a smaller fixed income and who will be spending less. They are still very valuable, but from an economic standpoint it does create an issue because they turn from being taxpayers into service takers. That creates financial implications for the federal government. From a state government perspective, issues like payroll tax come into play, as does the provision of aged-care services and subacute primary healthcare services to older Australians and older South Australians as they age.

What our report highlights and what it seeks to continue the conversation on is moving perceptions of older workers. That is where I think the biggest shift needs to happen. I know from personal experience the value that older workers bring to a workplace. Much more often they bring stability, wisdom and experience. They bring a mentoring role to younger workers around them that is extremely valuable. There are plenty of older workers. As someone who was quite young running a factory, there are plenty of guys I looked up to who gave me a lot of their time in helping to get the job done better for everybody.

We need to harness that wisdom and experience by making sure our workplaces can handle and are equipped to provide for older workers in the same way we provide flexibility for working parents and those with a disability. Workplaces need to become more flexible to the individual needs of a worker so that we can provide that wonderful symbiotic relationship between employee and employer.

In appendix 1, we talked about technological change in the labour market. Appendix 1 can be viewed in two ways. It could be viewed from the point of view that many older workers work in more traditional manufacturing industries and those industries are declining as a result of technological change, therefore there are fewer jobs around for aged workers. I choose to look at it differently because I believe the implication there is that somehow technological change is bad. What technological change can and does do is help to keep older workers in the workplace.

For older workers, making a job less physically demanding would be important, and technological change can very much aid that. Again, I have seen that very much within my own business, that in helping to reduce heavy manual lifting and heavier physical tasks while still maintaining fine motor tasks and fine motor skills, we can help people to be healthier, fitter and stronger and still maintain a broad level of dexterity.

While technological change is certainly replacing labour, it is also helping to keep the existing labour in the marketplace. In fact, the insinuation of the report—and this is a correct insinuation—is that we are going to have a smaller workforce as a proportion of the total population who are of working age, 18 to what will be 65 or 70 years old. There is a real juxtaposition between saying there are enough jobs for older people and the truth, which is that we are going to run out of healthy working age workers as a proportion. Again, when we talk about having a larger aged retired cohort who are going to require aged-care services and primary healthcare services, we are going to need people to be able to fulfil those roles. When we look at the balance of society as a whole, there are not going to be enough people, so technological change is important.

For instance, we may not be screwing screws into the side of a car door anymore, but if technological changes help, so that an aged-care nurse does not have to physically lift someone out of the bed because the chair or the bed does that for them, that means that an older worker may potentially be able to stay in a role within the aged-care industry for a lot longer. Certainly, aged care is one of the high-growth industries across the country.

Overall, I think this report adds to some good work that has been done by many other people across the federal government and across the non-government sector, but again I think it is a small contribution to help inch our society towards dealing with this issue and providing, as the member for Ashford said, some very practical examples of how we get that done. I am extremely proud to be a long-serving member of the occupational safety, rehabilitation and compensation committee. Hopefully we will change the name, but I hope to stay on it for as long as I can.

The Hon. S.W. KEY (Ashford) (11:43): As I was saying earlier, this is an area that I suspect we will need and want to look at and make sure that we do try to initiate some change. I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: MODBURY HOSPITAL TRANSFORMING HEALTH PROJECT

Adjourned debate on motion of Ms Digance:

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

(Continued from 10 May 2017.)

Mr GARDNER (Morialta) (11:44): It is with some interest that I rise to speak about the Public Works Committee's 530th report on the Modbury Hospital Transforming Health Project because just this week we discovered that some of the money that the government is spending on its Transforming Health plan has been spent on plastic wraps around *The Leader* Messenger newspapers going to households in north-eastern suburbs identifying that money is being invested in Modbury Hospital and presumably paid for out of taxpayer funds as part of the Transforming Health proposal.

This is wrap that covers the whole newspaper, with a purple background and white writing in big, 50-point font, saying that money has been invested in Modbury Hospital to provide care close to home. It goes on, on the other side, with white background and big purple writing, to say that there will be a new rehabilitation centre and more rehabilitation beds, and to find out more people are directed to the Transforming Health website.

I know that the State Theatre Company currently has *1984* playing, but the doublespeak in the state government's Transforming Health plan would put George Orwell to shame. It is an extraordinary example of spin. As services, particularly to emergency care and emergency surgery at Modbury Hospital, are being emaciated by this government, they are trying to spend taxpayers' money in the north-eastern suburbs, telling the same taxpayers that this is all being done in their best interests, all being done to help them, that it is not an example of this Labor government fundamentally betraying the people who have supported their local members and candidates, often on promises of protecting Modbury Hospital.

Of course the architect of all this is none other than the health minister himself, one of those same candidates who has been the beneficiary of Labor Party campaigns to save Modbury Hospital in the past. He is now the one ripping its heart out. It is extraordinary. Not only that, they take the member for Florey—who has, from time to time, demonstrated a little bit of credibility in this area—and they give her preselection to that very same health minister who is ripping the heart out of Modbury Hospital. The Labor Party now wants us to believe that the people of Florey are going to accept him as their champion. It is nothing less than extraordinary.

There is even more, Deputy Speaker. I am sure you will be shocked to hear that one of the groups that expresses interest in these matters from time to time is involved in local government. I know there are champions for Modbury Hospital who have been involved in local government before, and we will be very interested to see what happens in the near future. There is a new member in the other place—some people may have met Mr Justin Hanson, who has recently been elevated to the Legislative Council—and his departure from the Tea Tree Gully council has caused a by-election.

I note that in the last week there have been a number of nominations: Dylan Brown, Jody Mayfield, Wayne Smith, Sonia Blackwell, Kathryn Nicholls, Robyn Dowley, Mary Kasperski, Peter Panagaris and James Ellery. These are candidates for Balmoral Ward in the Tea Tree Gully council, and they are going to have a very critical role in expressing community sentiment regarding the Tea Tree Gully council's position on Modbury Hospital and the state government's emaciation of Modbury Hospital.

The DEPUTY SPEAKER: Member for Morialta, we do need to get back to the actual hospital.

Mr GARDNER: I will get back to that right now. What the Public Works Committee report shows, if one reads it in detail, is the services that will be lost at the same time as the government is putting elements into rehabilitation, which the Public Works Committee particularly identifies. However, you cannot understand the impact of the things identified by the Public Works Committee unless you also identify what is being lost. You are replacing one thing with another, and what the

community has come to expect, and of course what Tea Tree Gully council has come to expect, is that there is going to be emergency surgery available at Modbury Hospital as well as the range of services that that community has come to expect.

One of the candidates at this by-election has a particular insight into what has been happening, because she works for Jack Snelling, the Minister for Health. Mary Kasperski, as identified by the health minister when he stepped down as Speaker, has been an invaluable member of his office—

Ms DIGANCE: Point of order, relevance. We need relevance.

The DEPUTY SPEAKER: We do need to go back to the actual Transforming Health project.

Mr GARDNER: Thank you for your wise guidance, Deputy Speaker, and, of course, your benevolence to the government side despite what they have done to you. I think it is very generous-spirited of you. When considering the Public Work Committee's consideration of the Transforming Health proposals for Modbury Hospital—transforming from health to a lack of emergency surgery, as I personally think of it—the point I make is that we need to have community advocates who are also going to be reading this Public Works Committee response.

We want everybody to read the Public Works Committee's consideration of this matter so that they too can understand that the government's proposals for Transforming Health are going to have an extraordinarily poor impact—and already have been having an extraordinarily poor impact—on the health of people in the north-eastern suburbs as a result of what this government is doing to Modbury Hospital. Those same residents have an opportunity in the coming month to have their say on who is going to represent them on the Tea Tree Gully council, and they have the opportunity to support someone who is working for the health minister who is emaciating their hospital, or someone who stands for others. I hope that they will take this opportunity and vote accordingly.

Mr TRELOAR (Flinders) (11:50): I rise today to make a contribution on this report. Modbury Hospital is a 174-bed acute care teaching hospital that provides inpatient, outpatient and emergency services to a population of almost 200,000 people living primarily in Adelaide's north-eastern suburbs. However, much of that is about to change as part of the Transforming Health announcements made by this government. Premier Weatherill and minister Jack Snelling have confirmed that the emergency departments of the Modbury, Queen Elizabeth and Noarlunga hospitals will be cut.

The emergency departments in these hospitals are already stretched to the brink and are not in a position to absorb the significant cuts. Under these reforms, patients will wait longer and travel farther for medical care. Good health care is about proximity and availability. Unfortunately, the government has not listened to the community in regard to this and has shown complete disregard for the growing number of people who do not support these cuts. Over 60,000 people have signed petitions across the state.

Under Transforming Health, Modbury will no longer be a general community hospital: it will be a centre for rehabilitation, day surgery and outpatients. Life-threatening emergencies will be diverted away from Modbury or stabilised and then transferred. Under the new plan, no ICU or HDU backup will be available on site. There will be no emergency surgery, and there will be no 24-hour on-site anaesthetic service and no theatre team present on site. There will be no acute surgical wards. Modbury will have lost two-thirds of its medical beds—now only short stay—and there will be no cardiology admissions. We all know how risky that will be.

In the lead-up to the 2014 election, the Labor government promised to spend $46 million to upgrade Modbury Hospital. This budget has since been cut by $14 million. Before that same election, a redeveloped the Modbury emergency department opened with 40 treatment and assessment bays. Only 29 of those bays are operating now. You can see a theme coming through here. Modbury emergency department no longer deals with life-threatening cases that could involve hospital admission, and they are simply shipped on. Lyell McEwin, the neighbouring hospital, is so overcrowded that it was subject to a safety notice in late 2016. At the moment, it frequently diverts patients to Modbury.

The dedicated ambulance shuttle from Modbury to Lyell McEwin stopped operating earlier this year, only a couple of months ago. The number of patients who attended Modbury emergency department has not changed significantly and, in fact, the cases seen by the emergency department are more complex, not less. South Australian Health wants the inpatient medical emergency team to be dropped and emergency department staff to take on the hospital emergency callout role. It is dangerous to plan for senior ED staff to leave their patients in an emergency department and be busy for hours in a separate building—simply untenable.

Modbury no longer has a comprehensive medical and surgical service. Modbury surgery focuses on day surgery involving up to 23-hour hospitalisation, and this is only about one-third of Modbury's previous load. Without critical backup for both treatment and diagnosis, emergency cases will have to be diverted to other hospitals. Older patients and other complex cases are more likely to have care scheduled at another hospital. The emergency department is having trouble, or so we hear, recruiting staff and covering overnight shifts, and there has been a loss of ability to teach and train medical students, specialists and trainee nurses at Modbury.

The future viability of Modbury Hospital is threatened. The government has toyed with the idea of closing Modbury Hospital. In June 2014, *The Advertiser* reported that, while upgrades in three other hospitals had also been suspended, Modbury appeared to be the most likely candidate for closure if the government decided on a big-ticket action to cover the gap. A report conducted for the state government by management consulting firm McKinsey and Company has considered the decommissioning of Modbury Hospital.

All this, as I said earlier, concerns a key medical facility which services 200,000 people in the growing north-eastern suburbs of Adelaide. My contribution so far has been quite specifically about Modbury, but in fact there is a bigger issue at stake, and it relates to health funding in general. I have a theory about all this. My theory is that the new Royal Adelaide Hospital, as wonderful as it will be, has become a black hole. It has become a vortex for funds, and it will burden the state for many years to come.

Members interjecting:

The DEPUTY SPEAKER: Order! There is too much conversation on my right.

Mr TRELOAR: The current cost is estimated to be around $2.3 billion. There is no doubt that that will blow out further. We have a patient record system that is costing around $430 million and is not actually operational.

Mr Pederick: It doesn't work.

Mr TRELOAR: It doesn't work, as the member for Hammond quite rightly said. This new facility, this new hospital, as majestic as it appears from the outside, has become a black hole for health funding, and it is a burden on the state government and will be for a long time. My theory extends further than that. Before coming in here, as many in this place will know, I was a grain farmer. Every grain farmer knows that 'you haven't got it until it's in the bag'. That is an analogy, and what it is saying is that the harvest is not complete, and the money does not arrive, until you have actually bagged the grain and sold it.

In December 2011, when I was a relatively new member of parliament, we were brought back to this place to debate the Olympic Dam indenture bill, which was going to facilitate the open pit expansion at Olympic Dam. Everyone was very excited about this, and rightly so; the opportunities would be boundless. Unfortunately, that expansion did not go ahead and probably will not go ahead now. I have to say that it seems to me that the state Labor government almost immediately started spending the money. There was an expectation that the royalties would roll in. There were a few other mining proposals floating around at that same time. Most of them seem to have fallen by the wayside.

In fact, the royalty flow did not eventuate and the government was caught with significant outgoings, projects that they had committed to. There was a desal plant at a cost of over $2 billion. Again, that is a lot of money—$2.2 billion for a desal plant we are not actually using. The Adelaide Oval, as lovely as it is, suffered significant blowouts in cost, exceeding $535 million. The O-Bahn project will cost $160 million. If ever there has been a case of pork-barrelling, that is it: a

project to secure the north-eastern suburbs, the same suburbs that are serviced by Modbury Hospital. What they are taking away with one hand, they are giving with the other.

In other words, the government have overspent. As a result, we are seeing significant cuts not just to Modbury but to other health services and infrastructure around the state. We have talked about Modbury. The proposed cuts to services at Yorketown's general hospital have been in the news lately. I have spoken earlier in this place, just last week, about the Ceduna Koonibba health building. It is in the township of Ceduna, adjacent to the hospital. The building is in a diabolical state. The roof leaks, there are termites in the floors, the mice are getting in and there are shovels outside the door to kill the snakes. This is in a major regional centre. Where is the money to upgrade the building to at least a habitable state? It is about managing the health budget and the state's finances.

Mr ODENWALDER: Point of order: I think we may have strayed a little bit from the topic of Modbury Hospital.

The DEPUTY SPEAKER: I am going to start listening very closely to you—

Members interjecting:

The DEPUTY SPEAKER: Order! Do I have to stand up?

Mr Pederick interjecting:

The DEPUTY SPEAKER: Don't make me stand up, member for Hammond. Termites in a school somewhere else are not really connected to Modbury Hospital.

Mr TRELOAR: Deputy Speaker, the termites are in a health building.

The DEPUTY SPEAKER: They are not in Modbury Hospital, as far as I know. They are in my house in Modbury, but they are not in Modbury Hospital.

Mr TRELOAR: What I was attempting to do, Deputy Speaker, in my contribution—

The DEPUTY SPEAKER: You are going to come right back, I know. You are coming right back to the topic.

Mr TRELOAR: —was link the situation at Modbury with general health funding.

The DEPUTY SPEAKER: No, you can't actually do that, can you?

Mr TRELOAR: Well, I don't know.

The DEPUTY SPEAKER: Off you go; you only have another 40 seconds.

Mr TRELOAR: I will be quick then. In essence, we have been talking about Modbury, as have I, but it is about managing the state's entire health budget and the state's finances. Unfortunately, the state Labor government has proved itself incompetent once again. I will finish by saying that good health service is about proximity and it is about availability. Unfortunately, the people in the north-eastern suburbs will be failed by this government.

Debate adjourned on motion of Hon T.R. Kenyon.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I can see coming in to the public gallery students from Woodcroft Primary School, who are guests of the member for Fisher. We welcome them to parliament today. We certainly hope that they have had a chance to see some of Parliament House and that they enjoy their time with us today and go home and tell their mums and dads what a very exciting place parliament is. Welcome Woodcraft Primary School, guests of the member for Fisher.

Bills

STATUTES AMENDMENT (UNIVERSITIES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 March 2017.)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (12:02): I would like to thank the honourable members who have contributed to the debate on this bill and note that the opposition will be supporting the passage of this legislation. The nature of the relationship between state governments and universities is complex.

Universities are of enormous importance to state economies. They train a high proportion of the workforce, they produce research that advances human knowledge and often generates commercialisation opportunities of economic and employment significance. They educate the future leaders of industry, labour and the professions. They have educated many of the people who sit in this chamber. They bring thousands of students from overseas to be educated here, students who not only represent a big part of our economy but internationalise us while they are here and remain connected with us when they return home.

Our universities have educated political and business leaders around the world, and in nearly every country we can find people who have been educated by our universities, making life better for others as doctors, nurses, teachers and many other professionals. South Australia without our universities would be unthinkable, yet much of government interaction with these institutions is via the federal government. It is that government that defines how universities can charge fees and makes a large contribution to them. It is that government that manages quality assurance for all universities in Australia. It is that level of government that largely manages research funding mechanisms.

Each of our universities is in active competition with all other world-class universities for the best researchers, the best teachers and the best students. What we all want in South Australia is for our universities to thrive. It is in that context that the requests from the Flinders University and the University of Adelaide for changes to their acts were considered by the South Australia government. They had each formed the view that their councils would operate more effectively if the overall size of the membership were reduced to be close to the size of the council at the University of South Australia.

Given the reasonableness of the nature of the request, the consistency with the more recently created public university in South Australia, the consistency with the Universities Australia Voluntary Code of Best Practice for the Governance of Australian Universities and the maintenance, in essence, of the proportions of the membership drawn from the student body, the staff body and external members, the government has no reason to object to the request.

I recognise that there is some concern about this change from those who represent students and staff at each university. I acknowledge that this concern comes from a genuine desire to have constructive members of the two councils, who are drawn from the universities themselves. Recognising the importance of this matter for each university community, I asked both what form of communication and consultation had occurred, and I have received correspondence from the Vice Chancellor of Flinders University and the Chancellor of the University of Adelaide about the manner in which they have chosen to undertake that process.

Being satisfied that the universities had made this request for an act change after careful deliberation, and that the student and staff bodies of the universities are now aware of the proposed changes, I see no reason to delay or refuse the request. I therefore commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 15 passed.

Clause 16.

The CHAIR: We have two amendments in schedule (1) in the name of the Minister for Higher Education and Skills. Can we move amendments Nos 1 and 2 together? Do you wish to speak to them as well?

The Hon. S.E. CLOSE: Would you like me to speak in order to explain them?

Ms Chapman: Yes.

The Hon. S.E. CLOSE: I move:

Amendment No 1 [HiEdSkills–1]—

Page 7, line 35 [clause 16, inserted subsection (1)(d)]—After 'committee' insert:

(which consists of the Chancellor and 6 other persons, 3 of whom are appointed by the Chancellor and 3 by the presiding member of the Graduate Association (but at least 3 members of the selection committee must be graduates of the University) in accordance with guidelines determined by the Council)

Amendment No 2 [HiEdSkills–1]—

Page 8, after line 12—After the present contents of clause 16 (to be designated as subclause (1)) insert:

(2) Section 12(6)—delete 'subsection (1)(b)' and substitute:

subsection (1)(d)

There are two proposed government amendments to the bill, both relating to clause 16, about the independent appointed members of the University of Adelaide Council. The first proposed government amendment reinserts language currently in the University of Adelaide Act 1971 about the composition and constitution of the selection committee that recommends independent appointed members to council for appointment.

The second proposed government amendment updates a reference to section 12(1) of the University of Adelaide Act in section 12(6). Section 12(6) prevents the selection committee from recommending one of its own members for appointment to the University of Adelaide Council. The reference in section 12(6) needs to be updated to continue to have effect, as the bill would repeal and substitute a new version of section 12(1) with different numbering. Both proposed government amendments are minor issues that were only identified after the introduction of the bill, but they will ensure the continued effective operation of the act.

Mr GARDNER: I do not really have any stress about the second amendment, as far as I can tell. In relation to the first, on what basis was this change brought about? What was it that led the minister to identifying that the government wanted to amend the bill?

The Hon. S.E. CLOSE: It was a drafting error where, inadvertently, we left out something that we needed to preserve when we changed the relevant section.

Mr GARDNER: When did the government decide to make this little change?

The Hon. S.E. CLOSE: I believe we filed these amendments on 15 February and decided that not long before.

Mr GARDNER: I see that, yes. Notwithstanding that, we will double-check this between the houses, but I cannot see any reason why the opposition would oppose these amendments.

The Hon. S.E. CLOSE: I thank you for your indulgence; I appreciate that.

The Hon. S.W. KEY: I feel compelled to make a comment about this legislation. I cannot really speak with any authority about Adelaide University, having never attended there, but I certainly have been a longstanding member of the Flinders University campus both as a student and also as a committee member and classification review officer for Flinders University. I should say that, as general secretary of the students' association, I was also a member of the Flinders University Council.

Having had that experience, I feel very concerned about the reduction of members on particularly the Flinders University Council, particularly the staff representatives and the student representatives. I just want to register that I have concerns with this. I understand that there has supposedly been consultation with both the staff and students. I think the term used by the minister was that the university had advised they had made those two bodies 'aware' of the proposed changes.

I think this is a very good case of people not being consulted but having information shared with them, which seems to be a characteristic in a whole lot of areas, not just in the higher education sector. Obviously, I am not going to oppose the bill because our caucus has decided to support it, but I need to mention that I have concerns with these particular amendments.

Amendments carried; clause as amended passed.

Remaining clauses (17 to 20), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (12:12): I move:

That this bill be now read a third time.

Mr GARDNER (Morialta) (12:12): Very briefly, I wish to thank the government for progressing this matter this week. This has been on the *Notice Paper* for some time. Following the member for Ashford's comments, as a former graduate of Adelaide University who did subjects at Flinders University, I feel a very deep personal connection to both campuses. I spent at least a year longer there than I needed to.

I was also, as was the member for Ashford, elected by my peers to serve in a students' association at Adelaide University, but not to the lofty heights of general secretary. As a Liberal candidate for student selection on campus in the late nineties, it was not the ideal target market to run for president, but others have done well since and I congratulate them on that.

My fundamental desire, personally and as the shadow minister for education in South Australia, is for our universities to shine, for our universities to prosper, for our children to get the best possible education and for those universities to attract international students, to attract research funding and to attract the extraordinary opportunities that our higher education sector can deliver to South Australia in educational terms, in economic terms and also in terms of the cultural impact on our whole state. I hope that this bill in some small way will help them achieve that.

Bill read a third time and passed.

The Hon. S.E. CLOSE: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

LIQUOR LICENSING (LIQUOR REVIEW) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 16 May 2017.)

Clause 95.

Ms CHAPMAN: I move:

Amendment No 2 [Chapman–1]—

Page 62, lines 19 to 25 [clause 95, inserted section 135A]—Delete inserted section 135A

The motion that I propose to speak to essentially provides a removal of the government's initiative (which is the kindest way I can describe it) to introduce a blacklist process. Essentially, this clause allows the commissioner to determine whether he or she might publish the names of licensees who have been convicted of an offence under the act. That is, the commissioner, at his or her discretion, can publish such prescribed details of any offence under the act as he or she thinks fit. We say that that is not appropriate.

During the course of the briefing on this bill, we were advised that this process operates in New South Wales. I am also advised by Commissioner Sulio that he considers that this is something, if he is given this responsibility, he can enforce and accommodate within his existing budget. He

does not need any extra money to have a website page that displays these offending parties. I thank him for providing that information. There is no provision under the proposed regime to introduce this blacklist which tells us what information will be put on the website. It does not allow for any other forum of publication. It is only the website that is proposed.

The name, the particulars of the offence and the date of the offence seem to be the usual things published in these scenarios. Nevertheless, as we do not have any indication of what is in the regulations because they have not yet been drafted, we have no clue as to what this is going to be. Our position is that, whilst we can have a name and shame list or a blacklist—and indeed we have a child sex offender register in Australia that helps us to deal with people who have been convicted, but for certain reasons we need to protect the community and have a published list—we should also ensure that, where certain parties fail to comply with obligations of residence, they can be easily sought out and apprehended, if necessary, by the police in respect of the enforcement.

For example, if someone is on probation, they need to keep the police advised of their current address, particulars of their employment and so on. We have these types of lists to ensure that there is compliance. If there is not compliance, they can be further convicted and have their information published on a website. Indeed, we have processes now where, on police reference, photographs of people can be put on there and the public can be informed so that they know if someone is at large or in breach. It is not a new concept, but it is relatively unused, except in New South Wales, in respect of licensees of licensed premises who break the law.

Remember, of course, that people who break the law obviously have a punishment regime in any event; currently, that is by way of fine or imprisonment. There are myriad different offences and obviously they attract very different penalties. There is the circumstance where the commissioner can suspend or give notice of suspension, issue directions, add conditions, etc., in respect of licences, so there is very much an economic lever to ensure that licensees do the right thing or remedy some breach.

The problem with this process, which is to add a blacklist or add a name and shame list, is that there is clearly no provision here for a process as to how that is removed in the event that there has been some compliance. One of the examples raised with us is if a licensee is deemed to have committed an offence. Bear in mind that there is a whole lot of people who are obliged to ensure that there is no breach of conduct—for example, providing liquor to minors or continuing to provide alcohol to someone who is intoxicated—such as the licensee as a responsible person, a staff member behind the bar and other various people who attract liability when things are not done properly. That is fine and we understand that.

However, if the licensee goes on the blacklist for having fallen foul in respect of conduct that is the subject of an offence under this act and they are put on the blacklist, there is no provision, other than the fact that the commissioner must remove them from the website after five years, or they can stay on the website for no longer than five years. It is very much the introduction of a law that is really going to be at the discretion, it seems to me, of the commissioner of licensing to decide whether he is going to publish something on the list, what is going on the list that can be defined under prescription and how long it stays on the list.

It is sloppy drafting at best for an idea I think the government has thrown on the table. We simply say at this point that there is not necessarily any evidence to say that it is an effective means by which to bring recalcitrant licensees into check. Rather than doing something like this, as I have said here before, I would prefer that the commissioner for licensing do what he and his department are paid to do, and that is to make sure that there is compliance with the licensing obligations and, if they do not comply, that there is some serious financial consequence.

I am appalled that every year we come to this parliament and find that, except for being advised that there was one group that was given a notice, which was to suspend, there has been not one single suspension of a person's licence when we know that there are people out there in the community in this area who do not do the right thing. To be clear about that, there was a public order and safety notice, according to that same letter from the acting minister, Mr Malinauskas, that I referred to yesterday, in respect of a particular club lounge in August 2015. Apart from that, there has been no suspension on disciplinary grounds in respect of breaches under the Liquor Licensing

Act and, further, no liquor licences have therefore been suspended by the commissioner in respect of compliance in the last two years.

So, this has reaffirmed again what we already knew from estimates. That is a very effective instrument of discipline and a way of rooting out those who do not comply and freeing up those good, law-abiding licensees who do the right thing. This is a clumsy attempt to try to look like they are getting tough on breaches, and I think that it is crude and will be ineffective.

The Hon. J.R. RAU: I oppose this amendment. We have come to an interesting point with this debate today, in that the opposition have, by reason of their amendments, intervened in these proceedings before the parliament to help two groups of people. One group is those people who are all-night retailers of booze who are responsible for filling up our young people with alcohol at all hours of the morning and who are busily stuffing their pockets with young people's money and having these people coming to their establishments to consume alcohol. They are apparently the natural allies of the opposition.

If I have the choice of lining up with a bunch of avaricious purveyors of all-night alcohol who are greedily preying on young people or with every parent in South Australia who actually cares about whether their children are in a safe environment, guess whose side I will be on? I will be with the parents, not with greed and not with people who do not give a toss about the safe service of alcohol. So, congratulations, opposition. I hope you enjoy wearing that because that is exactly where you are. I want everybody in the parliament to understand that that is not where the government is.

We are not on the side of spivs who want to fill young people up with grog irresponsibly all night. We think it is reasonable that there should be three hours off when they can have a Nescafe. Goodness me, that is a radical move, isn't it? In three hours out of 24 you can have a coffee. That is point No. 1. That is the first group of people they have gone over to give a big hug to. Which is the second group of people they want to give a big hug to? It is people who are successfully prosecuted for breaching the provisions of the Liquor Licensing Act as licensees. That is their other group of friends.

They have the spivs selling grog to young people all night and they have the people convicted of breaching the Liquor Licensing Act, whom they want to give a big cuddle as well. My question is this: why should a parent, guardian or somebody who is trying to have some responsibility (not control or even advice) for the young person in their lives not have the opportunity of working out whether the venue they are proposing to go to is known for being unreliable in enforcing the law?

I think is quite reasonable that a parent should have access to that. I certainly would like to know. That is all we are talking about here. These are people who have actually been prosecuted; we are not talking about people against whom there is an allegation. We are talking about people who have been prosecuted who may wind up on this register where mums, dads, friends and relatives can actually check, if they want to, whether a certain venue has a reputation for problems. Why on earth would we want to conceal that from the public?

We are happy to have fine defaulters, for example, on a register. Terrific, go on there and find out who is not paying their fines—shaming people and all that. Nobody has a problem with that. I do not and I do not think the opposition does. But it is very different when you have breached the Liquor Licensing Act—no, that would not do. This is just ridiculous. Both the propositions that have been advanced by the opposition in here are directly opposed to reasonable measures, either to inform the public about unsafe environments or to protect people from their own stupidity and rapacious individuals who want to serve alcohol all night because they cannot stuff enough money into their pockets in 21 hours a day—they need 24 to get a little bit extra in. It is pretty simple. These are modest measures in the interests of public safety and in particular in the interests of younger people. Let's face it: there are not a lot of middle-age people in these venues at 4 and 5 o'clock in the morning.

Members interjecting:

The CHAIR: Order!

The Hon. J.R. RAU: And if there are, maybe they should be thinking about where they are, too. I am not one of them, I can say; I do not do that. So we oppose this. In short, the other

amendments are of a piece, really. They are to do with the fees, this business about the listing and the break in trade. The good bit is that I will not keep repeating this afterwards.

Amendment negatived.

Ms CHAPMAN: Attorney, in the event that the compliance has been achieved—i.e., there has been notice given to the commissioner that the offending staff member who allowed the minor to buy the alcohol has since been relieved of duties—how is the process to work for the commissioner to remove that from the website, and what are the rules relating to that?

The Hon. J.R. RAU: The commissioner is obliged, under the new proposed section 135A(2); the commissioner must remove the conviction from the website not later than five years after the date of the relevant conviction. How in effect the commissioner does that—whether there is an alert put on the computer or what there is—is a matter of administration; it is not a matter of law.

Ms CHAPMAN: Attorney, if someone has complied, then, with the offending behaviour, as in the example, are they then stuck with waiting for the commissioner at his or her discretion to get rid of the blacklisting after five years, or is there going to be some process by which they can apply to the commissioner to have their name removed from the blacklist as a result of indicating the circumstances of compliance?

The Hon. J.R. RAU: The way I read this is that proposed section 135A(1) gives the commissioner a discretion in the first place as to whether to publish at all because it says the commissioner 'may' do so. It may be that the commissioner chooses not to because the offence is trivial or relatively trivial or there is an extenuating circumstance that persuades the commissioner not to do it. As I would read what this is actually saying, if the commissioner may or may not do something, I am pretty sure it would be within the scope—from an interpretation point of view—that the commissioner could equally remove something. Subsection (2) provides that it must be removed from the website no later than five years on.

So, the combination of those two things, it would seem to me, is clear. It may go on, and once it is on it may be removed pretty much at any time as long as that is not any longer than five years. It would simply be a matter of the person who is aggrieved by it contacting the commissioner, and the commissioner would have to determine whether or not they had a reasonable—

Ms Chapman: Case for removal.

The Hon. J.R. RAU: —case for removal.

Clause passed.

Clauses 96 and 97 passed.

Clause 98.

The Hon. J.R. RAU: I congratulate the Chair on the eloquence and simplicity of this. On behalf of the Chair (member for Florey), I move:

Amendment No 1 [Bedford–1]—

Page 64, after line 14 [clause 98(1), after inserted subsection (1a)]—Insert:

(1b) Without limiting the generality of subsection (1), the regulations may regulate, restrict or prohibit advertising, sponsorships and other practices designed to promote or publicise liquor and its consumption.

I do not oppose the amendment.

Ms CHAPMAN: I note the amendment moved by the Attorney on behalf of the member for Florey. It appears to make a prescriptive arrangement as to what the regulations can or cannot do that is very general but largely appears to relate to minimising excessive advertising in respect of alcohol and/or sponsorships. It then states 'and other practices designed to promote or publicise liquor and its consumption'.

On the face of it, it appears to be sending a message of conservatism in respect of the promotion of alcohol. If it was to say, for example, that there was to be no advertising in and around a child's primary school or a kindergarten, then I understand the importance of that; if it relates to allowing television advertising during children's viewing time or, more importantly these days, in games on electronic equipment, that might expose them to the promotion. If there were any analogy, I suppose it would be the significant restrictions we have on the promotion of gambling in respect of a sporting activity, which on the face of it is attractive to young people who might be tempted to get involved in such an activity that is not to their benefit and advancement.

I am with the member for Florey entirely in relation to what should be able to be done under the regulations. What I am not sure of is how these issues are already covered in respect of advertising restrictions in any event—and there are some national laws I am aware of in relation to that—where any of the examples I have used would suffice to cause a contravention and could not be continued and, in fact, the advertisers would probably be fined. At this stage, I have not had an opportunity to discuss it with our members to have a position on it, but I note what appears to be the intent here. We will certainly have a look at it between the houses to consider how it might be dealt with.

Alcohol and liquor, in Americanised wording, is a legal product that can be consumed by all but a small portion of the community. That small portion includes children and people who are intoxicated. In that category, we have many laws to protect them from accessing it, but it is a lawful product and, in fairness, most people would consume it responsibly and, therefore, as a lawful product, restriction on its advertising needs to be very tailored.

Between the houses, we will certainly look at how we might identify what is already there to protect against this and what is already available to the commissioner in respect of conditions that attach to a licence—for example, where a premises might operate from, the hours of trade and it not being co-located next to a children's facility. We will have a look at it, and I thank the member for bringing it to our attention. Obviously, we will try to consult as soon as possible with people on this matter.

Amendment carried.

Ms CHAPMAN: I move:

Amendment No 3 [Chapman–1]—

Page 64, after line 16 [clause 98, after subclause (2)]—Insert:

(2a) Section 138—after subsection (2a) insert:

(2b) A regulation required to be laid before each House of Parliament in accordance with the *Subordinate Legislation Act 1978* that prescribes fees for the purposes of this Act may not prescribe or provide for any matter that is not prescribed in connection with such fees.

This amendment, which I know the Attorney has made some dismissive comment on, is to ensure that any regulation that sets the rules that are to apply to the fees for licensed premises needs to be clear of the clutter of any other regulation.

Essentially, that means that, instead of bringing in a set of regulations complementary to this legislation to set out all the regulations for application, two sets of regulations will have to be brought in: one to identify what the formula will be in respect of the fee structure for licensing and all the rest in the other. They can put in 10 others if they wish to, but they will not be allowed to introduce regulation for anything other than the fees in one set of regulations. This will enable the parliament to challenge the continued standing of that regulation if it is so offensive that it should not progress and the situation needs to be further considered.

In dealing with this bill, we are being asked by the government to accept that they will act in good faith and that they will consult with the industry about what the rules are going to be in respect of a new fee regime. Mr Anderson QC has identified what he thinks it should be. In fact, he has outlined a model that would give the government nearly $5 million a year more in licence fees from licensed premises, if it is applied against the current cohort of licensees, according to the information

provided to us by the government. They say to us, 'Pass this bill. We're going to do all our consulting in due course. We'll draft up the model and discuss it with the industry. Trust us. All will be fine.'

We do not trust the government; that is the last thing we would do. We note that this is the secondary exercise that they are going to undertake. In doing that, we as a parliament want to be clear in our capacity to challenge that without causing the balance of regulation, most of which we expect would be perfectly appropriate, for the implementation of the new aspects of the bill. It is quite comprehensive change to the Liquor Licensing Act, so we understand that there will be a consequential regulatory regime that needs to be implemented.

That is all we are doing. We are separating the fees, which are a complete mystery to us at the moment. They are clearly not going to be what they currently are, which brings in about $2.6 million a year to the government. They are apparently not going to be up at the $7.2 million revenue range. They are going to be somewhere in between. We need to have some more detail about that to be able to identify whether any licensed premises is going to be unfairly caught in an alleged risk assessment process that would impose on them a fee far beyond what it should be.

If I have to come back and argue that Casablaba or somewhere is not to have a 5,000 per cent increase in its fees, then I will do that. I do not want to put a wrecking ball through other regulatory requirements that need to be in place to accommodate the change. The government know this. It is not uncommon for governments to put the whole lot up in the full knowledge that anyone who challenges a piece that is offensive will cause the whole of the regulation to fail. It is a tactic governments use all the time. It is true that, if it fails on the basis of the parliament saying to the government, 'No, we will not accept this,' the government has the power to issue a new regulation, and governments often do this. They just play tag team with the parliament and say, 'This is what's going to happen.'

Of course, there are a number of times when regulations are not challenged because the offending issue and its potential success in challenging it is, I suppose, subservient to the need to introduce other amendments. So, that is the basis of this. We would have thought that, if the government were at least honest in its assertion to us that it is going to negotiate this in full faith, it would welcome this regulation impost and that this amendment would then be supported. I will not hold my breath.

The Hon. J.R. RAU: I do not want the member for Bragg to have to hold her breath for too long or, indeed, to hold her breath at all, so I will respond. I have not had the chance to consult with parliamentary counsel or others on whether or not there are other aspects of this particular proposition that might be disadvantageous. If it was as simple as is suggested by the deputy leader, that may be one kettle of fish; if it is not, that might be another. For that reason—but not necessarily saying that if it were to bob up again we would oppose it—I oppose it now, but that is only so I can get proper advice about it.

Amendment negatived; clause as amended passed.

Schedule 1.

Mr KNOLL: In schedule 1, I find reference to part 5(9), which talks about trespassers at a private party. I have a couple of questions about private parties.

The CHAIR: Where are you looking? Where does it say that?

Mr KNOLL: Page 66, part 5(9)—Amendment of section 17AB. It makes reference to private parties, which is of particular interest. Obviously, this secondary supply of alcohol to minors is coming in and I want to get a better understanding of how this will be enforced. I understand that essentially what we are saying is that you cannot give alcohol to minors except if you are a responsible adult or you have the consent of the responsible adult and the supply is consistent with the responsible supervision of the minor.

My question is: how are we actually going to do this in practice? Is it going to be permission slips? Do you check the kid in at the door with his two lemon Ruskis, look at his permission slip and that works? That is the first thing. The second point is: what happens if kid number one with his two lemon Ruskis happens to flog some sort of Midori and lemonade from some other kid who is at the

party and has three drinks instead of two? Will that make the supervising adult a criminal? When police go in to try to police this thing, are they literally going to sit there, tick off the permission slips and breath-test every kid who is in the venue to try to ascertain whether he or she is over or under what their permission slips says?

The Hon. J.R. RAU: It is a good question. This is one of the matters that we did spend a bit of time talking about because we were trying to deal with the problem without inadvertent capture of other things. I will explain to you what the mischief is that we are trying to deal with. I do not think anyone would argue if a minor's parent or guardian is in place and is a responsible adult and says, 'Look, you can have a shandy,' or, 'You can have a little glass of something.' Nobody wants to interfere in that and certainly not me. That was not the problem.

Where we start to get into difficulty is in the following scenario. The member for Schubert has a younger brother. He revealed that the other day, although it was not the first time he had revealed it; maybe he has a number of them, actually. Let's say that we jump into a time machine and go back to the moment when the member for Schubert turned 18, which seems but a twinkling of an eye ago. At that moment he may have had a 14-year-old or a 16-year-old brother, maybe both, and he would have been able to lawfully go to the pub and buy as many lemon Ruskis or whatever as he chose to buy. He might have decided that it would be terrific to supply his younger brother and all his mates at their cricket club annual bash with lemon Ruskis.

What we wanted to capture was that circumstance where, technically, an adult is purchasing the alcohol but they are not a responsible adult, if the member understands me. They are not so much a person who is responsible for the younger person and acting responsibly as some convenient person who happens to be of an age where they can purchase alcohol and they are used as a method by which those people can circumvent the law.

Mr Knoll: A booze mule.

The Hon. J.R. RAU: Exactly. One often sees this referred to in *South Park*, where this happens frequently, but I will not spend too much time on that. The point is that that is what we were trying to deal with. It is not so much a matter of getting slips and whatnot; it is a matter of the relationship between the purchaser and the supplier of the alcohol and the young person. That is what we were trying to draw the distinction between. Hopefully, that is how it will work in practice.

We did not want to just say something as crude as, 'Look, anybody who is over 18 can buy alcohol.' We wanted to leave a carve out for the adult who is the responsible parent-type figure, but still make it difficult for the older brother, older sister or unrelated friend (for want of a better word), who wants to cooperate in the supply of alcohol, to do that without there being a problem. That was the point of it.

Mr KNOLL: Who is a 'responsible adult'?

The Hon. J.R. RAU: A responsible adult is, I guess, a question of fact and degree. There is a definition in clause 70 on page 47:

> responsible adult in relation to a minor, means an adult who is—
>
> (a) a parent of the minor; or
>
> (b) standing in a position…of…;or
>
> (c) the spouse or domestic partner of the minor.

Ms CHAPMAN: I also have a question on this aspect. It is proposed, in relation to the secondary supply offences relating to minors and being at someone's residence, that a prescribed place where this can occur, apart from a residence or a public place (which is presumably a park or a zoo or something)—

The CHAIR: The beach.

Ms CHAPMAN: Yes, the beach, a helpful contribution by the Chair, thank you—to be other places by regulation. Where else does the government consider this will apply? At this point, we have a prescribed place for the sale of alcohol, we have private premises, we have public space. I am just

trying to work out where else we are talking about. Would it be renting a hall at the local footy club or something, which does not have a licence, or what?

The Hon. J.R. RAU: I do not know what the answer to that is, but I think it was put there on the basis that, if in consultation something emerged that we had not thought of, there was an opportunity to put it in. We do not have anything in mind in particular at the moment.

Ms CHAPMAN: In relation to the offences, overall there is a substantial increase in very severe penalties for an adult who either provides alcohol to a minor or allows them to enter premises, etc., where it is sold and so on. In the course of it, there has been a reduction of what used to be the maximum for under-age minors who knowingly sought to have alcohol. I suppose to some degree this relates to how that is going to be managed, and I think the member for Schubert asked that question.

At the moment, we have quite a severe maximum penalty available for children, and we know that very few are ever prosecuted. Is there some reason why we are reducing this down to $2,500, because some 17 year old who has significant financial means may attract, reasonably, a much higher penalty? I want to understand where that has come from.

The Hon. J.R. RAU: It is a very good question. Now that I am reminded, the reason it was changed came through the feedback we had in consultation where DCSI was of the view that in a sense the young person here is the victim (not the right use of terminology) rather than in a sense the perpetrator, so it is a question about to what extent there is any utility or, philosophically, an objective, good reason to put that much emphasis on the young person. As the member for Bragg has said, there is also the fact that the actual prosecutions for this are virtually negligible.

In the end, I was of the view that in practical terms it is still illegal and there is still a deterrent there. Whether the scale of the deterrent adds any value between what we are suggesting here and what it is now makes any material difference I think is very difficult to say. I am not especially committed to that proposition one way or the other. I can see both sides of that argument.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I acknowledge that we have visitors from Grant High School in the gallery, who are guests of the member for Mount Gambier and whom we welcome here today, watching a particularly relevant bill for those of you who may wish to drink alcohol. Welcome to parliament.

Bills

LIQUOR LICENSING (LIQUOR REVIEW) AMENDMENT BILL

Committee Stage

Debate resumed.

Ms CHAPMAN: I want to clarify whether there was any consideration of this by Mr Anderson after he received the submission. I did not see it, and obviously if the Department for Community and Social Inclusion has persuaded you, Attorney, I want to know whether Mr Anderson was asked about this or not.

The Hon. J.R. RAU: As I said before, I believe this arrived in the sequence of events after the consultation draft was put out and therefore I do not believe that Mr Anderson was engaged on this topic. As I said, I personally can see an argument both ways here, and in practical terms I do not know that this is going to make a great deal of difference one way or the other. This is one of those things where, if a majority of members were of the view that we should leave matters as they are, I would be guided by the majority of members. As I said, the response we have here is a response to representation on behalf of younger people.

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:00.

Ministerial Statement

OAKDEN MENTAL HEALTH FACILITY

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L.A. VLAHOS: I rise again to update the house on developments at the Oakden Older Persons Mental Health Service. I can inform the house that I have today instructed the Chief Executive of SA Health to expedite the closure of the Makk and McLeay wards at Oakden following further reports of unnecessary force being used on residents. The direction comes after I was advised last night of a further incident of unnecessary force involving a staff member towards a patient at the facility which occurred yesterday. The staff member has been stood down and reported to SAPOL. This incident is in addition to a further incident reported to the parliament yesterday.

While I did explore closing the Makk and McLeay wards immediately, I have since received clinical advice that moving residents twice would do serious harm to their wellbeing. Instead, further resources will be applied to the Northgate aged-care facility to expedite the completion of the works there, bringing forward the relocation of patients. While I have no doubt that the extra safeguards put in place at the facility following the Chief Psychiatrist's report have helped to detect and respond to the latest incidents, they have not prevented them. Therefore, I have asked the CE of SA Health to increase the level of staffing, supervision and oversight until the Makk and McLeay wards are closed in coming weeks.

The relocation of residents will be subject to consultation with their families and next of kin, and the government will also take clinical advice and address commonwealth accreditation issues. Employees and their representatives will be consulted. Families of the current residents are being contacted today in regard to these developments. I can also update the house on staff numbers. My latest advice is that 11 staff are currently stood down pending further inquiries and investigation, and 25 staff have now been reported to AHPRA. I reiterate that this government has a zero tolerance approach to elder abuse in this state and we will not stand for it.

Members interjecting:

The SPEAKER: I call to order the members for Finniss and Schubert and the leader and the deputy leader. I warn for the first time the members for Finniss and Schubert, and I warn for the second and final time the member for Finniss.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:04): I bring up the 45th report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

MINISTER FOR MENTAL HEALTH AND SUBSTANCE ABUSE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:05): My question is to the Minister for Mental Health. Will the minister 'get on board the train for change' and resign?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:05): To create change one has to lead it. This government is leading the change at Oakden and we will move forward.

Members interjecting:

The SPEAKER: I call to order the member for Mitchell and I warn him for the first time for repeated interjection. I call to order the member for Stuart. I warn the deputy leader and I warn the leader. The deputy leader.

MINISTER FOR MENTAL HEALTH AND SUBSTANCE ABUSE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:06): To the Minister for Mental Health: given the minister has said that she cannot 'magic the problems away at Oakden', will she now magic herself away and resign?

The SPEAKER: It is of course debate in the form in which it's expressed. I will allow the question. Minister.

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:06): I have made it very clear today in the press conference that I've just made and in a ministerial statement that this government is intent on ensuring that the people at the Oakden facility, their families, their loved ones and the residents, who are our prime concern, are looked after. I ensure that we do that work by changing it every day, and I have announced changes to strengthen those safeguards today.

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss will withdraw for an hour in accordance with the sessional order.

The honourable member for Finniss having withdrawn from the chamber:

The SPEAKER: Leader.

MINISTER FOR MENTAL HEALTH AND SUBSTANCE ABUSE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:07): Thank you very much, sir. My question is to the Premier. Given that the Chief Executive of SA Health has twice in the last hour refused to express her support for the minister's performance, will the Premier now sack the minister?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:07): The chief executive doesn't evaluate my ministers. Can I say—

Mr Gardner interjecting:

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

The Hon. J.W. WEATHERILL: Mr Speaker, on a serious issue—

Mr Tarzia interjecting:

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

The Hon. J.W. WEATHERILL: On a serious issue and topic of concern, what we have are essentially glib speeches and insults that are being thrown across the chamber. That is the—

Mr Marshall interjecting:

The SPEAKER: The leader is warned for the second and final time. I'm reluctant to remove him under the sessional orders, but I will do so.

The Hon. J.W. WEATHERILL: That's the standard of performance that we see from the opposition. There are serious questions—

Mr MARSHALL: Point of order: debate. I am asking you to draw him back to the substance of the question.

The Hon. J.W. WEATHERILL: The substance of the question—if we could find it, we would address it.

The SPEAKER: I will listen carefully to the Premier's answer.

The Hon. J.W. WEATHERILL: Mr Speaker—

Mr Whetstone interjecting:

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

The Hon. J.W. WEATHERILL: —if one could define the substance, I suppose it is something about confidence, and I want to address that question of confidence. Confidence is about assertively addressing issues that you find with positive policy responses. The minister and I were horrified to hear, when the minister was in this very chamber at about the same time, we had a further incident that is occurring at Oakden. Clearly, this is a state of affairs which is utterly unacceptable. The first instinct that both of us had was to close this facility immediately. In fact, this morning, we asked for advice. Our first instinct this morning was to close this facility immediately.

Members interjecting:

The Hon. J.W. WEATHERILL: Our first instinct this morning was to close this facility immediately and—

Members interjecting:

The SPEAKER: Could the Premier please be seated. I call to order the members for Mount Gambier and Adelaide, I warn the members for Hartley, Mount Gambier and Morialta and I warn for the second and final time the members for Schubert, Hartley and the deputy leader. Premier.

The Hon. J.W. WEATHERILL: Our first instinct was to close this facility; in fact, we asked the chief executive to explore that very option this morning. The very clear clinical advice that we received is that that would create more harm than good, and we had unambiguous clinical advice that we should not do so. What we have done, short of that, is to use every mechanism we can possibly draw upon—

Mr Gardner interjecting:

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

The Hon. J.W. WEATHERILL: —to bring forward the closure of this facility and to increase beyond the increase in the safeguards and the supervision that has been occurring. If there is something to be taken from this, it is that the culture of cover-up is now over and the culture of reporting has taken over.

Members interjecting:

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

The Hon. J.W. WEATHERILL: In a general sense, the chief executive of this agency—the chief executive of our health agency—is making it known across the whole of the health agency, whether it's in relation to the chemo bungles, whether it's in relation to Oakden—

Mr van Holst Pellekaan interjecting:

The SPEAKER: The member for Stuart is warned.

The Hon. J.W. WEATHERILL: —whether it's in relation to any of the mistakes that have occurred in the healthcare industry, that there is a zero tolerance for cover-up, and she is taking the most assertive action—

Mr Pisoni interjecting:

The Hon. J.W. WEATHERILL: —and there are complaints and squealing about it.

The SPEAKER: The member for Unley is warned.

The Hon. J.W. WEATHERILL: There are complaints and squealing about it within our bureaucracy, but so be it. If those clinicians and other people in this system are not prepared to disclose what is occurring in our system, then they will have assertive action taken against them, and if the message isn't getting out now we will continue to take assertive action against every single person who seeks to cover up mistakes that occur in the system. We will tolerate—

Members interjecting:

The Hon. J.W. WEATHERILL: Accidents do happen in any human services system, and we do need to have a culture—

Mr van Holst Pellekaan interjecting:

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

The Hon. J.W. WEATHERILL: —of disclosure so that we can learn from those mistakes. But what is utterly unacceptable—

Mr Pisoni interjecting:

The Hon. J.W. WEATHERILL: —utterly unacceptable—

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

The Hon. J.W. WEATHERILL: —is the notion of cover-up, and we intend to shine a light on these abuses and we intend to put the residents at that facility front and centre in our thinking every single moment of the day.

Members interjecting:

The SPEAKER: The deputy leader will withdraw from the chamber under the sessional order for one hour.

Ms Chapman: And glad to do so—and she should resign.

The honourable member for Bragg having withdrawn from the chamber:

Members

MEMBER FOR BRAGG, NAMING

The SPEAKER: The deputy leader is named.

Mr GARDNER: Point of order, sir: under the sessional orders, the deputy leader having been ejected from the chamber, I am not clear that the standing orders allow you to name her.

The SPEAKER: They certainly do. The member for Morialta may wish to get in touch with the deputy leader to avail herself of an opportunity to reply to the naming.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Well, we have to deal with that procedure.

Mr GARDNER: Point of order, sir: if the deputy leader has been ejected from the chamber, do the sessional orders allow her to return for your naming, which you say you are entitled to do?

The SPEAKER: I will waive them to the extent necessary for her to respond to the naming, but she was certainly in full cry after being asked to withdraw.

The honourable member for Bragg having been summoned to the chamber:

The SPEAKER: Deputy leader.

Ms CHAPMAN: Thank you, Mr Speaker, and thank you for the opportunity to give a response in respect of your directive that I be named in respect of the—

The SPEAKER: No, I name you. I don't give a directive to anyone. I name you.

Ms CHAPMAN: Thank you, sir, for that correction.

The SPEAKER: I am now giving you an opportunity to explain your misconduct after my earlier ruling.

Ms CHAPMAN: I thank you for that, sir. Can I say in my defence to my behaviour today that I have been so provoked by the failure of the Minister for Mental Health to protect our most vulnerable people here in South Australia and, in particular—

The SPEAKER: The deputy leader will address her appalling conduct.

Ms CHAPMAN: In my submission to you, sir, my behaviour was so provoked by the failure of the minister to protect our most vulnerable people—

The SPEAKER: No—

Ms CHAPMAN: —and in the circumstance—

The SPEAKER: —the deputy leader will be seated. She is not addressing the substance of the matter. She is not addressing her appalling breach of parliamentary behaviour. She cannot justify it by reference to the political discussion of the day. She stood in the gangway and screamed and gesticulated and she is not addressing that behaviour, other than to say she is dissatisfied with the policies of the government. That is insufficient.

Mr PISONI: Point of order, sir: on previous occasions, you have excused ministers breaching the standing orders, using the excuse that they were provoked—

The SPEAKER: The member for Unley—

Mr PISONI: —by the opposition.

The SPEAKER: —is named. We will deal first with the naming of the deputy leader.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:16): I move:

That the apology not be accepted.

Motion carried.

Mr WILLIAMS: Point of order, Mr Speaker: that is a motion that can be subject to debate by the house.

The SPEAKER: No, it can't. Would the deputy leader please leave the chamber.

MEMBER FOR BRAGG, SUSPENSION

The honourable member for Bragg having withdrawn from the chamber:

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:17): I move:

That the honourable member for Bragg be suspended from the service of the house for the remainder of today's sitting.

The SPEAKER: There is a kind of mandatory minimum sentencing regime in the standing orders, so the minister does not need to specify the member's absence from the house.

Motion carried.

MEMBER FOR UNLEY, NAMING

Mr PISONI: I ask that my apology be accepted, sir.

The SPEAKER: Because?

Mr PISONI: Because I was out of order in speaking while you were speaking, sir.

The SPEAKER: I accept the member's explanation.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:17): I move:

That the apology be accepted.

Motion carried.

Question Time

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): My question is to the Premier. Given that the Premier has just recently again repeated his expression of confidence in the Minister for Mental Health's performance, why should South Australians have any confidence in this government to keep them safe?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:18): Because when bad things happen, we disclose them and we account for them and we take immediate steps to remedy them. It is horrifying to think that, with all of the measures that we have put in place to supervise the conduct of these workers, with all of the steps that have been taken to suspend workers who have engaged in this behaviour, this conduct still continues.

It is true that these two most recent pieces of conduct were detected by the observers that we put in the facility, and they were of course immediately reported and then action was taken to suspend both of these workers. The new leader we have put in, Duncan McKellar, who is actually one of the three people who reviewed this facility, despite these events has made it very clear to us that he believes that the quality of care at this facility has dramatically improved.

He also points to the fact that there is now a culture of disclosure rather than a culture of cover-up. As distressing as it is to report to this house further events, it seems that some of the conduct is so inculcated into the way in which they deal with people with very severe behavioural mannerisms that it seems that there has just been a pattern of dealing with these people which is completely and utterly unacceptable.

The relevant leader of this facility has made it clear that he believes that there are a number of excellent staff there who have heeded the message and who provide excellent care to each of these very vulnerable clients, but some just seem not to respect the basic dignity and rights of each of them. When that behaviour is detected, it is assertively responded to. In the meantime, there has been very substantial training applied to each of the members of this workforce and we will be taking a very clear and careful look at the recruitment processes and policies in relation to this facility. We can't get to the new facility soon enough so that the new culture can be well established and bedded down with all of the appropriate staff looking after these vulnerable citizens.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): My question is to the Minister for Mental Health and Substance Abuse. Was the person who was being investigated for an alleged assault at Oakden on 9 May a person who was previously suspended and resumed duties after training?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:21): I am advised that's not the case in this instance, but I'm happy to double-check with the department.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today students from Salisbury East High School legal studies class, which means that they must be guests of the member for Wright.

Question Time

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): I have a supplementary question. Was this person somebody who was previously under investigation?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:22): As I have stated before to the house, the CE handles these inquiries on a day-to-day basis, but I am happy to check with the department on that matter and come back to the house—but not to my knowledge. I think that's a separate issue.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): Supplementary, sir: is the minister telling this house that the person she reported to the house yesterday who was suspended from service for alleged abuse on 9 May was neither previously suspended nor under investigation?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:22): As I have made it clear to the house in my ministerial statements

over the last couple of weeks, the numbers in these matters change every day. As of today, I have made it clear to the house that 11 staff have been stood down pending further investigation and 25 have been reported to AHPRA, and those numbers will go up potentially if there continues to be incidents on this site.

However, today we have made it very clear that we will be expediting the move of the critical people that we need to protect to the Northgate aged-care facility, and we will be putting an additional layer of scrutiny on the staff who are conducting their business at the Oakden site in the Makk and McLeay wards. This government is very, very serious. I have made it clear on a number of occasions with all the ministerial statements that we will take a zero tolerance approach to elder abuse. I expect everyone on that site on all levels to be complying with that directive which the CE of Health will execute.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:23): Supplementary: has the minister received a briefing on the alleged abuse which occurred on 9 May?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:24): As with all critical incidents, they are run through the department now. One of the good things that has happened on this site since January is that we now know that there is a culture of reporting critical incidents and they are flowing up via the appropriate mechanisms.

Mr van Holst Pellekaan interjecting:

The SPEAKER: The member for Stuart is on two warnings already for flouting the sessional orders and disrupting question time—an important question time, I would have thought.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:24): For clarification, has the minister sought or received a briefing on the alleged abuse incident of 9 May?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:24): I have asked for ongoing critical incident reporting to come to my office.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:24): Have you received a briefing on the alleged abuse incident on 9 May?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:25): Yes, I have.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:25): Can the minister inform us whether she asked questions about the previous status of this alleged perpetrator as to whether or not they had previously been either suspended or under investigation? If not, why not?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:25): I am regularly updated by the CE of Health on all the ongoing investigations about their progress. As I am able to, without jeopardising any of these investigations, I will come back to the house on a regular basis. I reported to the house yesterday and I will continue to report to the house any critical incidents that affect this site. I will not tolerate an ongoing culture of non-disclosure, and that is why the critical incidents are being reported to the house and the general public by the ministerial statement I made earlier today. We will continue to be transparent with the general public of South Australia and this parliament.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26): Can the minister inform the house when she received this briefing?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:26): With the one yesterday, I would have to check. It was just before we came to parliament, but I would have to check my emails.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26): A question to the Minister for Mental Health: in relation to the Oakden staff member who the minister revealed yesterday had been dismissed, what were the grounds of dismissal and when did the incident or incidents leading to the dismissal occur?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:26): I have told the house on numerous occasions that the CE of Health is the person these questions are best directed towards. She is handling these cases on a day-to-day basis. I am not going to reveal any details in this chamber that would prejudice any investigations that are underway.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:27): A supplementary: can the minister confirm that there is a further investigation into the employee who has now been dismissed? If so, who is to conduct that investigation?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:27): What I have said, and I will say it again today, is that I will not make any statements in this house that will prejudice ongoing investigations, whether they be through SAPOL, AHPRA or under the auspices of SA Health, that would potentially create the dismissal. I will not jeopardise any of those inquiries. They need to be seen through with appropriate progress and expediency for the faith of the general public but also, most importantly, the residents of Oakden.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:27): A supplementary, sir: was the incident or incidents which led to the dismissal of the employee known to the Chief Psychiatrist and included in the Chief Psychiatrist's report?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:28): If the Leader of the Opposition is referring to the incident on 9 May, that is post the Oakden review—

Mr MARSHALL: The one that led to the dismissal. Clarification, sir: it is the one that led to the dismissal and which was the subject of the ministerial statement made to this parliament yesterday.

The Hon. L.A. VLAHOS: I will seek advice from the department.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): A further question to the Minister for Mental Health and Substance Abuse: in relation to the minister's statement yesterday that another staff member had resigned, was that staff member facing any allegations of mistreatment of residents? If so, what were they and when did those incidents occur?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:28): As I said earlier today, and I will state it again, I will not prejudice any inquiries that are underway of investigations by AHPRA, SAPOL or within SA Health.

SCHOOL ABSENTEEISM

Ms BEDFORD (Florey) (14:29): My question is to the Minister for Education. What guidelines are used to proceed to prosecution of school absenteeism cases? How many cases are currently pending, and what policies are implemented to assist the children during these processes?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:29): I will search out the detailed documents and

provide them to the member for Florey for her information. There are currently no further prosecutions before the courts. We have had two—the first one being the first successful prosecution in 24 years—and we have no others at present.

The question about the support for the children is an important one because this is in fact all about the children. What is absolutely essential is that their successful engagement with school is the outcome of any action we take, whether it be through the legal mechanism or whether it be through the far more common mechanism for attempting to deal with chronic absenteeism, which is engagement through the attendance officers, through the child wellbeing practitioners and through the school activities and supports themselves. So, a range of supports are offered.

One which is I believe at play in at least one of the instances that we have been discussing is the use of the FLO program for engagement. The FLO program is a means that has been used by our education system for some time to engage students who otherwise are unwilling or unable to engage in mainstream schooling in a way that will keep them connected to the school but will also be concentrating on developing their skills and their attitude towards being able to feel that school is something useful for them. Members may be aware that there was a review of the FLO program undertaken relatively recently. We are on a journey, as they say, from a highly successful program for keeping kids at school to translating that better into having kids complete school with their SACE.

But what is crucial is that whatever support is required—whether it be counselling; whether it be student support officer work; whether it be an alternative means of offering the education, which is the FLO program; whether it be engagement through the attendance officers, in some cases with Aboriginal education workers; or whether it be the engagement of the child wellbeing practitioners—all the mechanisms that we have at our disposal are used to help assist kids in danger of not attending school more or less permanently and helping them come back, be part of the school community and get what is absolutely important to all of them, which is a decent education.

The SPEAKER: A supplementary, member for Florey.

SCHOOL ABSENTEEISM

Ms BEDFORD (Florey) (14:32): How long will it take to evaluate the deterrence factor of prosecutions and the long-term effect of convictions on families and children, and how will that be reported?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:32): The long-term effect on the children involved of course is crucial, and that is about the ongoing monitoring of their engagement with school and their successful engagement with school. In terms of the deterrent value, it will presumably take some time to work out if behaviour changes. We don't have so many kids who are in the extreme, chronic end of non-attendance that we could easily do a statistical significance over a short period of time. It will however be of interest to see whether the engagement between the workers and families is affected by the awareness of those families where this has occurred.

But importantly, although it does serve, I hope, as an important and salutary lesson for parents that we do take attendance seriously, we don't proceed to prosecution in an effort to undertake a show trial. A prosecution is judged on its own merits and is only an absolute last resort when the judgement of the workers involved is that there is no other way to encourage or to require the parent to pay attention to the fact that they do have an obligation to get their kids to school.

SCHOOL ABSENTEEISM

Ms BEDFORD (Florey) (14:33): A further supplementary: that being the case, without drawing attention to the one conviction that we do have, I am still very concerned about how the department is going to assist that family, as they work through the processes now in this one particular case that we have, and how that family is going to actually be assisted forward.

The SPEAKER: I thank the member for Florey for coming to the point of the question. The minister.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:34): In fact, there were two successful prosecutions.

The magistrates took differing views about whether they would record a conviction for the parents, but both were found to be guilty and were fined, in one case a relatively small amount in recognition of the circumstances of that family and in the other case a much more substantial fine. I believe costs also were awarded, although a conviction wasn't recorded.

Importantly, those children involved across those two cases are central in the education department's response. It is about the kids and it is about supporting them. I won't go into details about each of them because I don't believe it is helpful to children to be able to read about their family circumstances in the public domain, but I would like to assure the member for Florey and other members of this house that the education department takes the welfare of those children extremely seriously.

The SPEAKER: The member for Florey's questions were from the opposition list, in case members are worrying.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:35): My question is to the Minister for Mental Health. Of the 25 staff referred to AHPRA, how many are continuing in their work at Oakden pending the outcome?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:35): I will seek advice from the department, but my expectation—and I have made it clear to the CE on a number of occasions—is that I will not countenance having anyone under investigation on the Oakden site.

Mr van Holst Pellekaan: The answer must be none then.

The SPEAKER: The member for Stuart was on two warnings and had been counselled that he was on two warnings beforehand.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:36): Has the minister now received the advice she told the house that she would seek last Thursday whether staff at Oakden who have been stood down or referred to AHPRA include any staff from management levels?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:36): As I have stated in the chamber today, I will not disclose any information that will prejudice any investigations that are currently underway. I want a speedy conclusion to these investigations; that is the reason we have brought MinterEllison in to assist us with the workload that we are undertaking, that the CE is undertaking in her appropriate roles, but I will not reveal anything that jeopardises a productive outcome to these investigations.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): Can the minister confirm public statements by the government that a 'very senior SA Health executive' is under investigation?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:37): There are varying reports about this matter in the public sphere.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): Can the minister confirm that this senior executive is, in fact, in the mental health area?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:37): I have answered this question earlier today. I am not going to prejudice any inquiries and investigations that are underway. I want these matters brought speedily to conclusion, whether it's with AHPRA, SAPOL or our internal investigation. This is an important matter; it's to be dealt with in an appropriate way that does not jeopardise an outcome that is in the best interests of the people who have put forward these matters to be investigated.

Mr Knoll interjecting:

The SPEAKER: The member for Schubert, being a repeat offender, will withdraw under the sessional order for the next hour.

The honourable member for Schubert having withdrawn from the chamber:

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:38): Can the minister provide any plausible explanation to the house how revealing what department somebody is in would in any way jeopardise an investigation?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:38): At the risk of sounding like a broken record to the people on the other side of the chamber who wilfully do not listen to what I have stated today, there are investigations underway. I will do nothing that prejudices those investigations moving forward and I want those investigations expedited as quickly as possible—

Mr Tarzia: Why don't you just resign and get out of the way?

The Hon. L.A. VLAHOS: —which is the reason we have asked MinterEllison to assist us in investigating matters and why we continue to ask that AHPRA expedite the investigations that we have put to them. On a daily basis, I am updating the chamber about these matters.

The SPEAKER: Would the member for Hartley spare us his drear interjections.

OAKDEN MENTAL HEALTH FACILITY

Mr DULUK (Davenport) (14:39): My question is also to the Minister for Mental Health. Minister, is the government intending to move any aged-care residents out of Northgate to accommodate the residents from Oakden?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:39): No.

OAKDEN MENTAL HEALTH FACILITY

Mr DULUK (Davenport) (14:39): My question is again to the Minister for Mental Health. Does the minister agree with public comments made on 3 May by the new clinical leader of Oakden, Dr Duncan McKellar, that 'while a model of care is developed and new infrastructure built, there are immediate needs for transitional care arrangements for existing residents of Oakden'?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:40): To start with, clinical matters that the doctor is referring to are ongoing matters, where he is assessing the ongoing wellbeing and medical status of the people who are the residents of Oakden. These are people who are acutely unwell because of their mental health and dementia conditions.

We are talking about people with the most extreme levels of dementia in tiers 6 and 7. Those conditions can fluctuate every day. Of course he would have their concerns at the forefront of his mind, about what needs to be done on a daily basis, and his views are listened to very seriously by myself and my staff and those at SA Health. He is one of the people who is bringing about change at this institution. He was involved in the review and he is highly respected in his opinions.

OAKDEN MENTAL HEALTH FACILITY

Mr DULUK (Davenport) (14:41): Supplementary, thank you, minister: in terms of those comments by Dr McKellar, what transitional care arrangements are being put in place?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:41): As I have outlined to the house in my ministerial statements previously, we continue to talk to the families of residents and their next of kin and loved ones to ensure that the clinical needs and where these residents move to in the future are discussed with them. We know that some of these families would actually like to have their loved one close to them and not necessarily in a facility around the Oakden area, and it is my understanding that the transition of some of these people to the private sector has begun.

Now, that has to be done with the appropriate clinical guidance and over a period of time because these people are acutely unwell and very confused. These people potentially don't even recognise themselves in front of a mirror. This has to be done in a seemly, appropriate way with the correct clinical guidance, which Dr McKellar and his team and the new clinical guidance of nurses on this site are assisting us to do, in consultation with the families and the private aged-care sector.

OAKDEN MENTAL HEALTH FACILITY

Mr DULUK (Davenport) (14:42): My question is to the Minister for Mental Health. Does the minister agree with public comments made by the new clinical leader of Oakden, Dr McKellar, on 3 May, when he said, 'There is no plan on how to manage patients currently admitted to acute inpatient units'?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:42): One of the recommendations is designing a new model of care, and that is an ongoing piece of work. The government brought a response to the general public, the cabinet accepted it. We fully accepted the recommendations from the Oakden report, and one of those is about a model of care. That is an ongoing piece of work. That is not something that is conducted overnight, and I would expect that Dr McKellar's views and other clinicians' views around the country about what is best practice will be involved in developing that model of care.

OAKDEN MENTAL HEALTH FACILITY

Mr DULUK (Davenport) (14:43): Supplementary: does the minister also accept Dr McKellar's warning that the lack of a plan will have implications for emergency departments and acute medical services heading into winter?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:43): I have said to the house that the ongoing development of the model of care is a piece of work that needs to be carefully considered. I will listen to a number of voices about this and have those recommendations brought to me as we fully implement the six recommendations in the Oakden report.

OAKDEN MENTAL HEALTH FACILITY

Mr DULUK (Davenport) (14:44): My question is to the Minister for Mental Health. Can the minister confirm whether the cap on any new entrants to Oakden remains in place, having informed the house on 11 April that it had been implemented since she initially had concerns?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:44): It's my advice that, even before the accreditation agency raised its concerns, we had stopped taking residents into Oakden as we began clinical improvements on that site in the Makk and McLeay wards. I am advised that that cap is still in place today, but I am happy to double-check with the department.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:44): My question is to the Minister for Mental Health. Will any of the patients currently at Oakden be transferred to the Northgate aged-care facility?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:45): As I have said in numerous ministerial statements, there will be two cohorts of people who leave the Makk and McLeay site at Oakden. There will be a group that are particularly unwell, who will go to the Northgate aged-care facility. There will be another cohort of residents who will be moving to the private aged-care sector, and I have spoken about that in my ministerial statements in the past.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:45): Supplementary: what infrastructure changes are being made to the Northgate aged-care facility?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:45): Again, I have spoken about this in my ministerial statements in the past, but we need to ensure that there are no ligature risks presented to the people who are acutely unwell. We need to ensure that the glass is of appropriate standard that no injury can occur.

There are a number of clinical things that the Chief Psychiatrist, as the head of clinical standards, and the building service and development team within SA Health would need to address before we have access to the site, ensuring the safety of these residents. That, as I have said today, is my primary concern—that these people have an appropriate home to move to in the long term at this troublesome end of their life, that they are cared for at the highest possible standard by the right care and in the right facility.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:46): Supplementary: when will these renovations be completed?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:46): I have been advised today that, with additional resources I have directed to the CE of Health and with potentially 24-hour shifts to get Northgate ready, within 20 days or thereabouts we could have access to the site and the move could begin.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:46): What will be the cost for these renovations?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:47): At this point of time, I am more concerned about the care of the people who are in Makk and McLeay. That is the most important thing that I think the people and general public of South Australia want this government to address. It is not penny-pinching matters about this; it is not penny pinching about legal advice: it is about the care and appropriateness of their future residential lives in this new Northgate aged-care facility.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:47): Supplementary: how many beds will be available for Oakden patients at the Northgate aged-care facility?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:47): And I refer to my ministerial statements that I have provided in the past. There will be potentially 16 beds available at this facility when we move people across in the near future.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:48): Given that in the Oakden report it states that there is a tier 7 requirement of 26 beds, where will the other patients be housed?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:48): As I have outlined today, there are a number of families who have expressed a desire that their loved ones be located in an aged-care facility closer to them, and they will be seeking appropriate spaces within the private sector. People's medication, their wellbeing and their medical status have undergone recent and ongoing clinical review by the new clinical leadership team at the Oakden site. Unfortunately, some of these people are acutely unwell and their conditions change on a regular basis. Some people transition in and transition out. Those numbers are fairly fluid, but I am happy to update the house when I get some additional information tomorrow.

ELECTRICITY MARKET

Ms DIGANCE (Elder) (14:49): My question is to the Minister for Mineral Resources and Energy. Minister, can you update the house on what steps are being taken to increase competition in South Australia's electricity market and also if there is a role for local companies in driving competitive prices?

The SPEAKER: Is the minister able to do that?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:49): I will endeavour to do so, sir. I would like to thank the member for her question and her keen support of our energy plan and its objective of securing South Australian power for South Australians. The vision of our energy plan is to source, generate and control more of South Australia's power supply in South Australia so we can increase our self-reliance and provide reliable, competitive and clean power for all the residents of this state today and into the future.

By 'all South Australians', I don't just mean households but the majority of electricity users, such as the big industrials and commercial consumers of power. These companies have borne the brunt of the upward pressure on prices that has come from the failure of the National Electricity Market to deliver low-cost, reliable power to South Australian customers due to a lack of competition between generators because of the failed privatisation of ETSA. New generation will lead—

Mr van Holst Pellekaan interjecting:

The SPEAKER: The member for Stuart, is he interjecting or talking to himself?

Mr van Holst Pellekaan: What I was thinking came out loud, sir.

The Hon. A. KOUTSANTONIS: He used his outside voice rather than his inside voice, sir. He has both: he uses his outside voice and inside voice. New generation will lead to more competition, and that will ensure that there is downward pressure on prices. As a government, we have taken the lead by using our bulk-buying power to attract new generation to increase competition. Big industrial customers, users of electricity, have taken note of our approach and adopted a similar strategy.

I am pleased to inform the house that the Australian Competition and Consumer Commission today has authorised the South Australian Chamber of Mines and Energy, along with 27 another South Australian businesses, to establish a joint electricity purchasing group. The ACCC authorisation, valid for 11 years, allows this group, which accounts for 16 per cent of electricity demand in South Australia, to secure reliable electricity supply arrangements for its members.

A list of these members reads like a *Who's Who* of South Australian industry. They include companies like Adelaide Brighton Cement, Arrium, Viterra, Nyrstar, OZ Minerals, Orora, Seeley International, Thomas Foods International, Shahin Enterprises (not Wokinabox but Shahin Enterprises). The ACCC is Australia's antimonopolies watchdog and usually keeps a tight watch on companies working closely together inasmuch as they might breach national competition laws. However, this authorisation means that the ACCC is satisfied that the public benefit resulting from the conduct outweighs any public detriment.

We welcome the ACCC's decision and its ruling that companies working together on a joint power purchasing strategy is of public benefit. I am hopeful that the combined purchasing power of these companies operating in South Australia, investing in South Australia, employing South Australians, will increase the competitive tensions lost with the privatisation of ETSA, that members opposite delivered onto this state. Of course, that will have cost-added benefits for other consumers. However, you can never have too much competition in a market. I want to quote Mr Rod Sims, Chair of the ACCC, who states:

> This joint tender has the potential to change wholesale market dynamics by allowing generators to use existing plants more efficiently, or encouraging [most importantly] new entrants into South Australian electricity generation.

This is what privatisation from members opposite has driven out.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:53): My question is to the Minister for Mental Health. How many of the existing Oakden tier 7 patients will move to the private sector?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:53): I will have to seek the advice of the clinicians on the Oakden site. As I have said, it's not appropriate for a minister to be aware of individual consumers' health records, but we do know that the people who are the most intensely in need of our support will be moved into the Northgate facility.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:54): Does the minister realise that the statement that she has just made to the house is in direct contravention to a specific reference made by the Chief Psychiatrist in his Oakden report, and can she explain the difference in policy and philosophy?

The SPEAKER: Perhaps it would have been helpful if the leader would phrase the question so as to include the statement.

Mr MARSHALL: With your leave and that of the house, sir, I will read this very short one sentence.

The SPEAKER: Yes.

Mr MARSHALL: Thank you, sir. I quote from the Oakden report, page 29, paragraph 3: 'the Review does not accept the view [that] Tier 7 services can be provided by the Non-Government Sector'.

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:54): To my knowledge, I haven't actually contradicted myself there. What I have said is that the people who will be moved into the Northgate facility are the people most in need of our support in this state. I did not comment on whether they were tier 6 or tier 7, and I said that I would have to seek the guidance of the clinicians about that. It is not my job to make inquiries into individual consumers' or residents' medical records and their standing in their wellbeing—

Mr Duluk interjecting:

The Hon. L.A. VLAHOS: —that is a matter for the clinicians.

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

The Hon. L.A. VLAHOS: But I rely on their advice about who is appropriate to move to the Northgate facility and take residency there and form a new home life there with the support of their family and friends. Those people who are well enough to go to the private sector will go to the private sector.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:55): Supplementary: where will the tier 7 patients, currently at Oakden, be housed once Oakden is closed?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:56): The people who are most acutely in need of our services in this state will come to the Northgate facility.

Mr Marshall: How many tier 7 patients—

The SPEAKER: The leader will cease his elegiac interjections, which are becoming tiresome. He has a supplementary; he got to ask nearly 40 questions. I suggest he ask questions and refrain from interjecting.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:56): Supplementary: given that the minister has provided the house with the information that up to 16 tier 7 patients can be housed at the Northgate aged-care facility, where will the remainder of the existing and future tier 7 patients be housed once the government implements its policy to close the Oakden facility?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:56): As with any aged-care service, unfortunately there are bereavements from time to time with particularly our acutely unwell. We also know that the people's condition in these dementia states sometimes actually improve and they can go backwards, just as with any medical condition. That is why I must rely on the advice of clinicians such as Dr Duncan McKellar, who is a very, very knowledgeable man.

Mr Duluk: What does he think we should do?

The SPEAKER: The member for Davenport is warned.

The Hon. L.A. VLAHOS: What we do know is that 16 residents at the Oakden facility, and Makk and McLeay, will have the opportunity to come to the new Northgate site. Those people who are in an appropriate medical state of wellbeing will be prioritised for treatment and support in the private aged-care sector with the support of their loved ones through this decision-making process.

ROAD SAFETY

Mr PICTON (Kaurna) (14:57): My question is to the Minister for Transport and Infrastructure. Can the minister outline roadwork programs being undertaken to improve community safety at rural intersections?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:58): I thank the member for Kaurna for his question and his interest in road safety. In South Australia, we have made great progress in reducing the number of fatal and serious injury crashes on our roads in recent years. In 2016, South Australia recorded its lowest ever road toll, with 86 fatalities. However, of course, there is always more work to be done.

Our Road Safety Strategy 2020: Towards Zero Together, aims to reduce our annual road toll to less than 80 fatalities and 800 serious injuries per annum by 2020, with a vision of zero, as no death or serious injury on our roads is ever acceptable or inevitable. Each year, the majority of fatal crashes occur outside the Adelaide metropolitan area. Crash data from 2016 identified that 16 per cent of fatal crashes in rural areas were at intersections, compared with only 13 per cent in the year before.

In response, the government is continuing to improve the safety of rural intersections with traditional infrastructure safety upgrades and redesigns. Multimillion-dollar intersection upgrades have been completed over the last 12 months at rural intersections including in the Barossa Valley, the Springton Road junction with Mount Crawford and Warren roads; at Humbug Scrub; Hindmarsh Valley; at Port Pirie; Woodside; Yorke Peninsula and Redhill.

In February this year, I announced more than $3.2 million of investment to improve safety on country roads in the Mid North, including around Auburn, Spalding, Jamestown, Hallett and the Barossa Valley. I am pleased to advise the house that in addition to these more traditional types of infrastructure upgrades at intersections, we will be trialling an Australian first high-tech transport innovation at three inner rural intersections later this year. State-of-the-art technology will be installed which triggers safety measures when vehicles are detected approaching each intersection from conflicting directions.

The rural intersection active warning system is able to reduce the speed limit for vehicle approaches at an intersection when it detects vehicles simultaneously approaching that intersection from different directions. This innovative technology, originally developed in Sweden, is currently in use in New Zealand where it has delivered safety benefits and recorded vehicle speed reductions and hence a reduction in the risk of accidents at rural intersections by as much as 20 km/h when a risk between two or more approaching vehicles is identified.

One of the first locations in South Australia to receive the technology will be a T-junction at the intersection of Bakers Gully Road and McLaren Flat Road in Kangarilla where, sadly, a fatal crash occurred in 2015. The other two intersections where the technology will be trialled later this year are Fox Creek Road and Cudlee Creek Road at Cudlee Creek and Paris Creek Road and Bull Creek Road at Paris Creek. Our state government is continually investing to keep improving

South Australia's arterial road network with this sort of technology and others, called intelligent transport systems.

We have not only placed these sorts of technology developments at the forefront of our agenda as a transport agency in the state government but we have also encouraged the adoption of these nationally, and later this week I will be attending the national transport ministers council where we will be considering how to more rapidly accelerate the adoption of these technologies not just on our road network but in vehicles across Australia.

OAKDEN MENTAL HEALTH FACILITY

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:02): My question is to the Minister for Mental Health. Why was the minister so quick to reject Ward 18 as an alternative for current and future Oakden residents, given that it was purpose-built for older persons' mental health and will be available in less than six months?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:02): I immediately sought advice about the appropriateness of Ward 18 and the clinical advice is that it is not appropriate for the sort of care for patients from Oakden. Ward 18 is for short-term acute-type care and would not in any way be suitable for the long-term sorts of patients at the Oakden facility.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

The Hon. P. CAICA (Colton) (15:03): My question is to the Minister for Education and Child Development. Can the minister inform the house about the adoption of the South Australian Certificate of Education by schools internationally?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:03): I am delighted to inform the chamber about how our SACE is going. Members will recall my enthusiasm for the SACE and the way in which it is working in South Australia in dramatically increasing the number of students who are completing high school with a qualification, while maintaining a very high standard and ensuring that in SACE stage 1 every student is required to pass literacy and numeracy, English and maths, which is not the case in all states of Australia.

But we are also doing extremely well in the offering of SACE International, as it is known, the international program, whereby we are offering a world-class qualification in partnership with five colleges in Malaysia, eight colleges in China and now one college in Vietnam. I am particularly pleased about the Vietnamese school because I was there only last year with the first exploratory efforts to see whether it would be possible to offer the SACE at a school based in Hanoi, and now we see that it is likely that that has commenced, which is delightful.

SACE International has been delivered in Malaysia since 1983 and in China since 2005, and Vietnam is of course from this year. SACE has also been taught, incidentally for members who may not be aware of it, in the Northern Territory since 1972, and that partnership has continued ever since and is a very strong one. The SACE Board is spreading its wings still further and is now working with the Port Vila International School to offer the SACE International for the first time in Vanuatu—potentially from 2018. The school, which provides Australian curriculum from R to 12 aims to offer the SACE International to its senior secondary students from next year.

Increasingly, we are seeing that the SACE is being viewed as one of the go-to qualifications in the South-East Asia region. The reason for that is twofold: one is that if you pass you get a mark that enables you to come to an Australian university, and that is highly valued; equally, SACE itself prepares students so well, not only in content but also in skill development, that that in itself it is being valued as a way of completing school.

More than 40,000 students have successfully completed the SACE International since 1983, which is an outstanding contribution from a relatively small state. This includes more than a thousand students who completed the SACE International in China since 2005—a thousand Chinese students completing our high school qualification. Sometimes we hear people having a cultural cringe about the quality of our education, but we should have every confidence that our education is of an

outstanding level and, in particular, the completion of our high school. That qualification is one of the most significant in the country and is demonstrating its acceptability across the world.

The SACE Board will continue to promote the qualification internationally, of course, in schools in China but also into Indonesia and India. It is anticipated that the Department of State Development's trade and investment delegations to South-East Asia, and particularly to China, have participated in those opportunities and through those opportunities is continuing to strengthen ties with educational organisations to show interest in delivering the SACE International.

This has direct economic benefits of course for our state because schools pay a licence fee in order to deliver the SACE and also for each of the students who undertake it. But what is more important than the economic benefit is the international and cultural benefit. To have students overseas studying our SACE and to have students therefore considering coming to our universities deepens their understanding of and affection for this country and also enriches our understanding of the reach that we have as a state internationally.

DAIRY INDUSTRY

Ms COOK (Fisher) (15:07): My question is for the Minister for Agriculture, Food and Fisheries. What do the recent announcements by Murray Goulburn and the ACCC mean for the South Australian dairy industry?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:07): I thank the member for Fisher for her question. Of course, this time last year we were all very concerned about the future of dairy farming, not only here in South Australia but across Australia, after Murray Goulburn sent out a notice to their suppliers that they were taking the milk price down not only for the future but also for the previous 46 weeks of payments that these dairy farmers had received, and they were going to force people to pay it back.

We were the first government in Australia to respond to that. We got out there with money to help people initially with the huge psychological damage that was done and then to help them do some financial planning to get back on track. There were people coming in here attacking us over this and what I kept saying was, 'We aren't the bad guys in this. This is actually Murray Goulburn and those dairy processors who have done the wrong thing.' While we wanted to help dairy farmers back on their feet, the people who had to ultimately pay the price were those who had done the wrong thing.

I am glad to say that we went after these companies by writing to the ACCC and also to the parliamentary inquiry. I am not sure whether the people who came in here and attacked us over this made any submissions to the ACCC or to the federal government inquiry, but I do hope they did so because that is where things get fixed up. Last month, the Australian Competition and Consumer Commission announced the start of proceedings in the Federal Court against Murray Goulburn alleging that it had engaged in unconscionable conduct and made false or misleading representations in contravention of Australian Consumer Law.

As I said, I have written to the ACCC twice to raise issues associated with the actions and processes in the dairy industry and impacts on our dairy farmers, and I am pleased to see that the ACCC has taken this matter so seriously. I understand that the ACCC decided not to seek a financial penalty against Murray Goulburn because, as a cooperative, any penalty imposed could directly impact on the affected farmers. The ACCC's agribusiness section is also conducting an investigation into milk contracts with the step-down provisions after accusations of unconscionable behaviour. It is due to present its final report by 1 November this year.

On 2 May this year, Murray Goulburn announced its decision to close manufacturing facilities in central Victoria and Tasmania. Murray Goulburn also announced it would forgive all future repayments of the Milk Supply Support Package and refund contributions made by suppliers. I welcome the correction of this terrible decision, as I considered the Milk Supply Support Package to be fundamentally unfair and a key factor in Murray Goulburn losing milk supply volume.

The Australian parliament has also conducted an inquiry into the dairy industry, with the Senate Economics References Committee now due to report on 29 June this year. Primary Industries

and Regions SA provided one of the 41 submissions to this inquiry. Again, I would like to thank the ACCC and the federal parliament for the work they have done to address this problem that has hit farmers very hard not only here in South Australia but also farmers in areas of New South Wales, Victoria and Tasmania.

Grievance Debate

ANZAC DAY

The SPEAKER: The member for Davenport, that avid reader of *The Socialist*.

Mr DULUK (Davenport) (15:11): I rise today to commend the outstanding efforts of local youth groups in my electorate and thank them for their contribution to local ANZAC Day commemorations. The Mitcham Hills has an incredibly active and community-minded spirit, and it is a spirit I am very pleased to see being passed on to the next generation.

The 13th annual ANZAC Eve vigil ceremony was held on 24 April at the war memorial located adjacent to the Blackwood roundabout. Each year, youth from various groups come together to participate, remaining there overnight until they are relieved by senior defence personnel at 6am on ANZAC Day. Together with the Liberal candidate for the new seat of Davenport, Steve Murray, I was grateful to attend the vigil and lay a wreath in memory of those who paid the ultimate sacrifice, as well as pay my respects to all those who served and continue to serve our great country.

It was a cold and drizzly evening, as ANZAC Eve always seems to be, and, in an age when we repeatedly hear about the inability of our youth to unplug, it was pleasing to see so many young people prepared to give up the comforts of home, especially a warm bed, to spend the evening in these uncomfortable conditions. I would like to thank the groups involved in this ceremony: the St John Ambulance cadets, Scouts SA; Girl Guides South Australia and the Sturt CFS Group cadets. They are to be congratulated on their leadership, altruism and ongoing service to our community.

For many years, I was a St John Ambulance cadet, including being SA Cadet Leader of the Year way back in the early 2000s. It is an outstanding environment offering an active youth program for juniors aged eight to 12 and cadets up to 18 years of age. Being a St John cadet not only helps develop social skills but St John Ambulance also plays an important role in first-aid education and support services at public events. Their dedication to helping people in sickness, distress, suffering or danger is perhaps taken for granted, as we are so used to seeing them in the community. We forget that each year St John Ambulance Australia delivers 1.2 million hours of voluntary community service, so I thank all those St John juniors, cadets and senior members who give up their time to help and serve others.

The Mitcham Hills has a very rich history of scout and girl guide participation as well, and it was wonderful to see such a large number at the ANZAC vigil representing their local branch, with scout groups from Belair, Blackwood, Eden Hills, Flagstaff Hill and the 2nd Adelaide Scout Group in Mitcham, as well as the Belair and Flagstaff Hill Girl Guides all participating at that vigil. Scouts and girl guides are an important part of our local community, providing an opportunity for children to have fun, make friends, gain confidence, learn new skills and develop a strong appreciation of community mindedness. Our scout and guide leaders, as well as the many volunteers, are to be commended for their work in helping our youth become constructive citizens in our communities, and I would like to thank Nicola Capon from the Flagstaff Hill Scout Group for her work in coordinating the ANZAC vigil.

The Mitcham Hills landscape is a mixture of urban housing, light industries, rural farmland and native vegetation, which can present a wide variety of emergencies, including being amongst the highest bushfire risk areas in South Australia. Local residents and community leaders are indebted to the many hours our CFS volunteers dedicate to protecting our lives, property and environment.

The Sturt CFS Group, which has five brigades throughout my electorate, is supported by almost 200 volunteers who respond to approximately 260 emergency incidents each year. The CFS cadet program is integral to developing the next generation of emergency responders. Boys and girls aged between 11 and 18 undertake basic training and activities that prepare them for an active role

within the CFS. It is a testament to the CFS leaders responsible for training and developing the cadets that Mitcham Hills is well supported by a committed and active group of young adults.

Finally, I would like to congratulate the Blackwood RSL on once again presenting and conducting an outstanding ANZAC program. Each Sunday immediately before ANZAC Day, a memorial church service is held at the Blackwood RSL clubrooms, followed by a luncheon. There is an annual march on ANZAC morning, which travels along Shepherds Hill Road to the war memorial and culminates in the dawn service, which this year was attended by around 2,500 to 3,000 people.

The Blackwood RSL continues to grow the community's understanding and appreciation of the ANZAC story through their hard work and commitment to involving people of all ages in the commemoration of ANZAC Day. I thank them for their ongoing efforts. I thank their president, Frank Blamey, and all the members of the committee for their dedication to honouring our service men and women.

COMMUNITY EVENTS

Ms BEDFORD (Florey) (15:16): I would like to continue my remarks from 10 May and expand on the garage sale at St Luke's Anglican Church and the craft sale at the Modbury Church of Christ. St Luke's is led by parish priest Reverend Joan Riley, and a very enthusiastic band of parishioners were on hand on the day of the garage sale. A large community of Sudanese people also call St Luke's home and were in attendance at the recent International Women's Day service. At the Modbury Church of Christ, there was a very large showing of community craft on offer. The Church of Christ is led by ministry team leader, Paul Pinci, and helpers at the Church of Christ gave me some timely assistance preparing my flag for the May Day rally.

Later that Saturday, which was 6 May, I joined the Port Adelaide Caledonian Society to celebrate the 50th anniversary of their Semaphore hall and recognition of past chieftains. Chief Jenny Niven had four generations of her family present. The wonderful piping and highland dancing by Leonie's Garrick-Stewart School of Highland Dancing made the ceilidh a great event. Watching the young children join in with the highland dancing was a real highlight of the day.

On that same weekend, the 75th anniversary of the commemoration of the Battle of the Coral Sea also took place. The dinner at the Naval Military and Air Force Club was hosted by Dana and David Stoba of the Australian-American Association here in South Australia. It was a pleasure to meet that night Ms Cecelia Coleman, the Consular Chief of the US Consulate-General in Melbourne, on her first visit to Adelaide, and chat with Walter Stamm, a man with an amazing history in engineering.

It was also a great pleasure that night to hear from the guest speaker, Commander Andrew Burnett ADC RAN, himself not long in Adelaide. We learnt an awful lot about Andrew from Dana Stoba's introduction, and he gave us a great insight into the Battle of the Coral Sea. It was really a great talk, which may actually be online through the Australian-American Association.

On the following day, the Sunday, in the Botanic Garden, the Naval Band accompanied the service held in the presence of the Governor and Mrs Le, who were at both Coral Sea events. Former viceregal couple Kevin and Liz Scarce were also in attendance, as were you, sir, and representatives from local, state and federal government.

I would like to also talk about the work in the community of the ReGen Shop in the member for Newland's electorate. They have been assisting me lately with acquiring cutlery and crockery sets, which we are giving to Sister Janet Mead and her helpers at the Adelaide Day Centre for Homeless Persons here in Adelaide.

Rounding out this busy fortnight, which highlights the work of volunteers throughout Adelaide, I ended up at the 70th anniversary gala concert by the Adelaide Harmony Choir. Andrew Chatterton led the afternoon at the Elder Hall. I was invited along by the bass sectional representative, the Reverend David Purling. It was great to see David and Judith again, and the Governor and Mrs Le were also in attendance at that event.

I should also mention the group behind the clipper ship *City of Adelaide*, another of my favourite projects. They had another event to mark the 153rd anniversary of the launching of the

vessel, one of only two such left in the world, the other being the internationally renowned *Cutty Sark*. The event was held on board the ship in its temporary location at Dock 1 and it was a remarkable evening. The member for Hammond and the former member for Schubert were also there. We saw the progress being made by this loyal and hardy bunch, led by their board and a large group of supporters. Peter Christopher was there, who is a friend to many of us here in the house, and for him the clipper ship is very similar to what Muriel Matters has become to me.

I must slip in here that the book *Miss Muriel Matters* has been launched, with The Society monograph for all schools and libraries, which has been supported by the education department and the Premier's office to be available soon, as I said. All this shows how vital the contribution of so many people in a voluntary capacity is to so many events here and all over the state. It shows the commitment and dedication that every day go to making South Australia a great state.

I sincerely thank all who have been involved in making the past couple of weeks so enjoyable, and I encourage everyone to get involved in History Month because so many of the events of History Month will be supported by volunteers in the community and it is one really special way to learn an awful lot about South Australia and, in particular, the Centre of Democracy, which will open next Wednesday.

TIDY TOWN AWARDS

Mr WHETSTONE (Chaffey) (15:21): I proudly stand today to inform the house that a Riverland town, Barmera, has been named the nation's 2017 tidiest town—an outstanding achievement. On the weekend, at the Australian Tidy Towns Awards in Tasmania, Barmera won four of the six categories and the town was highly commended in a fifth category, before being announced the nation's overall winner and after receiving the 2016 Keep South Australia Beautiful winner.

I would like to commend Barmera for its resilience over quite a tough period over the past 10 years. Barmera won awards in the following categories: environmental education, young legends, environmental sustainability, litter prevention, waste management and resource recovery. They also received a high commendation in the community action and wellbeing category.

Australian Tidy Towns judge Jill Grant said that the town had a lot of opportunities for the future, particularly for young people, and that Barmera was a very accessible place, where people can feel included and also join in things in a way that is much easier than it is in some of the bigger towns and cities. I was in Barmera at the Main Street Markets on the weekend and the buzz was quite evident. It was a moment when a town and a community stood tall and were so proud of what they had achieved over a number of years.

We need to acknowledge the efforts of the community and we need to acknowledge the efforts of the Berri Barmera Council in this award coming to fruition against almost 200 applicants from right across the nation. For those who are not familiar with Barmera, I will provide you with some of the great elements of this wonderful slice of the Riverland that has Lake Bonney as its backdrop.

Some of the assets within the award-winning categories on the weekend included the Barmera play space, which is a great community initiative on the Lake Bonney foreshore. It was built by the community and it is a great adventure playground in one of the parks right on the foreshore. It is not one of the soft play equipment playgrounds. It has none of that red, blue, green or yellow type of equipment. It has been fundraised by the community, which is an outstanding achievement.

The Men's Shed repurposes furniture for those in need, which is a great asset to that town and to neighbouring communities. The Barmera Primary School committed to becoming environmentally friendly. That primary school really did stand tall. They also educated their young, particularly through the drought, not only on the impact of what drought means but also to be able to watch the environment and the wildlife that Lake Bonney accommodates flourish once the drought broke. It really was a great asset and a great achievement at the Barmera Primary School. We have the Barmera bush kindy. I do not know whether many people in this chamber have been to visit a bush kindy. It is a kindy out in the bush that really does bring kids together in their natural environment—again, another great attribute.

The Barmera Main Street Markets and the twilight markets are about the community engaging and bringing the community together, giving them purpose. These are great community

events, and that is what Barmera is about. Having visited all of these assets of the town, I have never doubted their worthy attributes, particularly their merit in relation to KESAB and, of course, the Australian national awards as the tidiest town in the nation.

We cannot forget the upgrades to the Upper Garden of Memory. It is an outstanding facility for those who have served this great country. The Rocky's Hall of Fame has been an outstanding national success at the Country Music Festival over many, many years, and it has been supported by the Barmera Town Beautification Committee. We have the stunning lakefront with fantastic boat-launching facilities, the Cross of Sacrifice and, of course, the outstanding yacht club.

I would also like to commend Kim and Kay Manning at Top Catch for their fish hotels and the carp catching competition. For those who have not visited Barmera, please do so. It is an outstanding town and an outstanding community and it is looking an absolute treat at the moment. For anyone taking holidays, please visit Barmera.

Time expired.

CAICA CUP

The Hon. P. CAICA (Colton) (15:26): I am sure you would recall, Deputy Speaker, that Thursday 4 May was a beautiful, typical autumn day up to 25º, a cool morning, one of those days that makes autumn so good and that we really love. But what made it an even more wonderful day was the fact that it was the seventh running of the Caica Cup.

Members have heard me speak before about the Caica Cup. The Caica Cup is a whole-of-school sporting challenge between two outstanding high schools in my electorate: Henley High School, the member for Chaffey's and my old high school, and St Michael's College, where my wife Annabel attended school. It is easy to say that it is named in recognition of the support—this is what the school would say—that the member for Colton (me) gives to both of those schools. It was a terrific event. It was originally created to celebrate the relationship between the two schools and, since the advent of the cup, the relationship between the schools has got even better. What we are seeing today is a very friendly rivalry in the various sporting events that are contested between the two schools.

Just for your information, Deputy Speaker, some of the events they have there—and, as I have said, it is whole-of-school—are girls basketball and boys basketball across all the divisions within the school. We have soccer—which St Michael's is exceptionally good at—boys soccer and girls soccer, tennis and sprinting, which they call the Caica Gift Sprint. I saw very good sprinters on that day. Of course, they have both boys and girls Aussie Rules football, volleyball and netball, and even surf lifesaving and golf.

The DEPUTY SPEAKER: Calisthenics?

The Hon. P. CAICA: Calisthenics is not in it. It is interesting that you should say that because not only are we the two outstanding schools but we have two outstanding principals: principal John Foley from St Michael's and our new principal at Henley High School, Eddie Fabijan. They are talking about how we can expand the Caica Cup in the future. Not everyone plays sport, so we are looking at some other types of events. It might be music, it might be debating, it could be whatever they decide to expand the number of events they have to actually engage others who might not be as interested in sport as some are.

The competition between the schools has always been tough and this year was no exception. It was exciting to attend both campuses over the day. They are in close proximity to each other, the different team events. If you were playing at Henley High School and you were from St Michael's, you would just walk down to Henley High School or to the seaside tennis courts, or to the Henley Surf Life Saving Club if you were competing in surf lifesaving. It is always a very well-contested event.

As the day progressed, Henley managed to take charge in a couple of events and come away with victory on that particular day in that Caica Cup. As I said, it was the seventh one. I think Henley has won most of them, seven of the two or six of the three—I will have to look for that—but, not withstanding that, it is a great event. I was probably a little bit saddened during the presentation because I just presumed that it was going to be the last Caica Cup. I would have thought that the

schools would determine that I am no longer the local member and they might name it after the next local member after I have gone, but what the principals decided was that such a tradition has been created that they will continue with the Caica Cup.

The DEPUTY SPEAKER: For perpetuity.

The Hon. P. CAICA: Forever, that's right, which is a really nice thing. I was heartened by that and very pleased. I again thank principal Foley and principal Fabijan for coming to that conclusion. As I said, and I can correct the record because I was wrong, Henley has won five Caica Cups and St Michael's has won two, but every one of those, where Henley has won, has been very tightly contested.

Most importantly, I see the spirit in which the events are contested. The kids at the school, the students at the school, really like playing in it and enjoy it very much. I am looking forward to next year, being there again and also presenting the medals for each of the events. It is a good full day's event. I think it is a very good initiative that has been established between St Michael's College and Henley High School, two outstanding schools in my electorate, and I thank them very much for continuing the tradition.

A big thank you to the sport coordinator at SMC, Jordan Young, and James Treagus from Henley for helping to coordinate the event. Of course, a huge thank you to all the staff and students involved from both schools, as this is what the day is really about. We had over 200 students and 15 staff involved in the day and, if it were not for the assistance and support from the schools' administration, the day would not go ahead.

BIRD EMBLEM OF SOUTH AUSTRALIA

Mr TRELOAR (Flinders) (15:31): I rise today to bring to the attention of the house some correspondence my office has received, and I am hazarding a guess that every electorate office represented in this place has received it. It is from a Mr Jock McLoughlin of Forest Place Lifestyle Village, 9 Happy Valley Drive, Happy Valley. I take from that that Mr McLoughlin is getting towards more elderly years. He is quite particular and pedantic about our state emblem. In September last year, he wrote:

> Dear Peter,
>
> I am a proud South Australian who is writing to you about our State bird emblem: The Piping Shrike. There is clearly much confusion about the identity of the emblem. [A] recent…advertising campaign featuring the Piping Shrike is perpetuating the confusion because they say the bird is not a Magpie, when it is.

Mr McLoughlin argues:

> …it is important to clarify the bird's identity, in the interests of our State. The bird is, in fact, the White Backed Australian Magpie.

Mr McLoughlin writes a blog, most of which is dedicated to this. This month, he wrote again:

> Dear Mr Peter Treloar,
>
> I have written to you previously about our State Badge and Flag that feature the 'Piping Shrike'. There is no doubt that there is significant confusion about the identity of the 'Piping Shrike'. Many South Australians incorrectly think the bird is the Magpie Lark, when it is, in fact, the White Backed Magpie.
>
> The worthwhile campaign promoting South Australia, which includes a man in a costume claiming to be the Piping Shrike, has unfortunately made things worse because the caricature does not portray a White Backed Magpie but rather the Magpie Lark. The inclusion of the caricature in [the most recent] advertising [campaign] further confounds the uncertainty about the bird's identity.

Mr McLoughlin writes a blog on this, as I said. His blog includes comprehensive information, which all should read, about the history of the piping shrike and also about the flawed piping shrike campaigns. Mr McLoughlin writes that the piping shrike is an important part of our history to date, and it is important that we intervene to stop further misrepresentation and correct the misleading information about our state badge and flag. Mr McLoughlin writes in his blog:

> Many people seem to be unaware which bird is South Australia's emblem. Officially the bird is the 'Piping Shrike'. However, there are no birds with that name in Australia.

I did not know that. He continues:

> The emblem is referred to as: the Piping Strike, Murray Magpie, Magpie Lark, Australian Magpie and White Backed Magpie, amongst other names. The range of names for South Australia's...emblem simply alerts us to the degree of confusion about the emblem's identity.

A recent advertising campaign compounds the confusion because they do not know which bird is South Australia's emblem. He continues:

> Also, the use of the term 'Piping Shrike' is partly responsible for the confusion. As mentioned earlier, there are currently no birds in Australia with the common name Piping Shrike. While acknowledging the long term use of the term Piping Shrike to describe our State emblem we must now clarify which bird it is. In my opinion, the continued use of Piping Shrike name is flawed, especially when children are being fed misleading information…If this situation is not remedied, it could isolate the Australian Magpie from South Australia because of inconsistent Australia-wide naming. Common sense should prevail. It seems ridiculous that our State would think it acceptable to have our Magpies known as Piping Strikes, while the rest of Australia calls them by their recognised title. It is unfortunate that this oversight has not been amended during the many years that it has been featured.

I would like to thank Mr Jock McLoughlin on behalf of all members in this place for his correspondence and for pointing out the confusion that he sees with regard to the naming of our state emblem. I hope this contribution has gone some way at least to putting his concerns on the record and clarifying the situation for all South Australians, particularly those children who need to be well across this information.

PASADENA HIGH SCHOOL

Ms DIGANCE (Elder) (15:36): Today, I rise to speak on the amazing unfolding story of Pasadena High School, a true story about community faith and belief. With the confidence of a few in this school, and now with recent events, we are about to witness a re-emergence of this school as never before. It will be like the phoenix rising, with the gathering momentum of renewed energy through a shared vision and commitment to see a future for this school. The school is a tribute to those who held the faith and belief in the possibilities that this school does and can offer.

Pasadena High School has for some years now faced pending closure rumours and conversations, a very damaging journey to the psyche and heart of the school. The school has been in limbo since last November, when its governing council voted to investigate closing the school and merging with Unley High. Pasadena's flagging enrolments and Unley's desire to upgrade its campus were among reasons the merger was considered as part of the state government's voluntary amalgamations program.

Since then, and with the conclusive supporting vote of the parents of the school against the closure of the school, the state government has announced that Pasadena High School would remain open. The result was also a win for the community and sporting groups that use the campus's Tower Art Centre and the school's ovals and basketball courts. This decision and vote followed extensive consultation with parents. The education department has said it remains committed to working with the communities of both schools to deliver the best educational outcomes possible. The support from parents and alumni during the fight to keep the school open was a very positive experience, as it turned out.

Principal Wendy House, along with teachers at the school and the governing council, now has the challenge of rebuilding and redeveloping the school on all levels, including curriculum and enrolments. With enrolments having dropped from 287 in 2008 to 150 this year, the principal plans a strengthened partnership with nearby primary schools and already has seen results, with increased numbers attending open days.

This renewed interest in the school by the community and potential students is great news for local area and comes on top of the news late last year that the school is now achieving 100 per cent SACE completion, with one of its year 12 students, Raaj, being awarded a subject merit for Scientific Studies at the SACE merit ceremony at Government House in February this year. Raaj was studying part-time at Pasadena High School in 2016 and has gone on to pursue university studies and a career in medicine.

While the Pasadena High School community has much to do, it finds itself in exciting times with a newly formed strategic partnership between the school, the Australian Science and Mathematics School and Flinders University. The tripartite partnership will create a new and beneficial educational hub to learning outcomes of students in southern Adelaide. The collaboration

will see the sharing of resources and information for the advantage of students and teachers from all cohorts.

The cooperation between Pasadena High School and the Australian Science and Mathematics School will facilitate the evolution into a specialist science, technology, engineering, arts and mathematics school—a STEAM school, not just STEM, but STEAM—and I am told that this will be the first STEAM school in South Australia. STEAM programs add the arts to the STEM curriculum by drawing on the design principles and encouraging creative solutions. This is a great fit for Pasadena with its Towers Art Centre and love of and focus on the arts over the years.

Flinders University will conduct research on schooling redesign, with its own students benefiting through receiving practical preservice experience and mentoring at Pasadena High School. Pasadena High School staff will also benefit from tailored professional learning and development, provided by Flinders.

Pasadena has a long-running Special Interest Basketball Program, which will be incorporated within a new basketball academy. The school will also grow the current partnership with Basketball SA and Sturt Sabres and, together with Flinders University's sport, health and physical education, will create a high-performance program within the school's Special Interest Basketball Program.

The three educational institutions—Pasadena High School, the Australian Science and Mathematics School and Flinders University—will work closely with each other to ensure the needs of students are met through collaborative planning, innovation and development that support individual learner achievement. The new specialisation will align Pasadena High School with the growing demand of STEAM industries and open up opportunities to better prepare students for future pathways in these areas.

Pasadena High will serve as a blueprint for broader curriculum transformation, in line with South Australia's drive towards an innovative economy, and the state and federal focus on STEM. Congratulations to Pasadena High School, the governing council, and parents and school community for your fortitude, commitment and belief. I look forward to seeing you evolve and grow into a unique and flourishing school.

Mr KNOLL: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Bills

LIQUOR LICENSING (LIQUOR REVIEW) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Schedule 1.

The CHAIR: Does the member for Schubert have another question in relation to schedule 1?

Mr KNOLL: Yes. Attorney, for the sake of clarity, we are talking in this provision about the supply of alcohol to minors, as opposed to the consumption of alcohol by minors. Essentially, it is okay for a kid to go to the party and drink a couple of lemon Ruskis, as long as it is a responsible adult or the authorised adult who gave him the lemon Ruskis. The offence that is being created here is not one of a minor consuming alcohol. The offence being created is an adult giving alcohol to a minor in circumstances where they are not what we would call the responsible or the authorised adult.

The Hon. J.R. RAU: I am going to attempt to answer that, and I will be corrected by people if I stray off the path. The primary function here is directed towards people who supply minors with alcohol in circumstances where the parent or guardian of that minor is either unaware or not consenting to it. In particular, we are concerned about the unauthorised third party, the non-relative, the slightly older brother or sister who is doing it without mum or dad's permission. It is the school afterparty where persons unknown, possibly older students, bring alcohol into the place and provide a bunch of younger people with alcohol. That is the circumstance we are talking about.

Mr KNOLL: How does a responsible adult authorise an authorised adult? Can it be oral, or does it have to be written?

The Hon. J.R. RAU: It can be either. I make the point that members of the police force have a prosecutorial discretion, which they do exercise, because these are summary offences really, so we are talking primarily about the police and not the DPP. They also have an adult cautioning model, which is now available to members of SAPOL as part of the police orders the commissioner has set in place. In answer to your question, either oral or verbal authorisation would be okay, but the very nature of this sort of thing is that you would expect, first of all, that it is going to be complaint driven. I do not think you are going to find police officers posing as high school students so that they can get invited to afterparties so that they can pinch people.

Mr KNOLL: *21 Jump Street*.

The Hon. J.R. RAU: *21 Jump Street*, exactly. You took the words right out of my mouth. That is where I was heading. We are not looking at the *21 Jump Street* situation here. We are looking at a legitimate complaint. First of all, I would not expect the police to be receiving complaints unless a parent or someone were genuinely agitated by one of these things. That is point No. 1. Point No. 2 is that the police have an inherent jurisdiction, which is now being reinforced if you like by police standing orders from the commissioner, that they do have a prosecutorial discretion and can exercise an adult caution, which is noted, to one of these people.

Let's assume that it is not a grotesque offence. There is a complaint, but it is not really large scale or anything else. The police bob up and say, 'There's been a complaint about this. You don't have permission to provide these minors with alcohol.' They assess the scene. It is not terribly unruly, or whatever the case might be, and they say, 'Look, we are exercising a caution here. This will be noted.' The effect of that caution being noted is that, if that person reoffends later, the original caution is re-enlivened and obviously the subsequent event is not a caution anymore: it is a prosecution.

We have to work on the basis that SAPOL will be intelligently using its discretion and will not be out there trying to unnecessarily intrude into circumstances. They certainly will not be turning up at people's birthday parties and saying, 'Show me your consent form,' and that sort of thing. The problem, member for Schubert, as you would appreciate, is that there are many shades of grey in this. We are not trying to capture everything. What we are trying to capture is the clear public menace of somebody deliberately providing alcohol to a bunch of unsupervised kids. That is the point.

Mr Knoll: Yes, so if a kid has flogged the alcohol—

The CHAIR: No, if that is a question you stand up. It is not a question, so there are no further questions on schedule 1.

Schedule passed.

Schedule 2.

The CHAIR: This is amendment No. 4 in the name of the deputy leader; in her absence, I understand that the member for Schubert is going to move the amendment. Somebody has to move it for the deputy leader.

Mr KNOLL: I will move the amendment in the deputy leader's name.

The CHAIR: It is consequential.

The Hon. J.R. RAU: I think you will find that this one, if I am not mistaken, is consequential upon one of the earlier amendments which was an amendment to remove the three-hour break in trade. This one and that one sit together more or less. The conversation is no different; it is the same issue.

The CHAIR: In that case, rather than move it, you can withdraw it. If it is consequential, we are not going to worry about it; is that right?

Mr KNOLL: I will move the amendment and they will vote against it.

The CHAIR: It is either consequential or it is not. You can still move it.

Mr KNOLL: On behalf of the member for Bragg, I move:

Amendment No 4 [Chapman–1]—

Page 69, lines 2 to 4 [Schedule 2, clause 4(2)(a)]—Delete paragraph (a)

The CHAIR: Do you wish to speak to it?

Mr KNOLL: No, ma'am.

Amendment negatived; schedule passed.

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) (15:51): I move:

That this bill be now read a third time.

The DEPUTY SPEAKER: Some people wish to speak to it, I understand, and they are going to address the actual amendments since we have been in committee. It is not a general meander, it is—

Mr KNOLL: No, I understand. I did not know that there was a time limit, but I will be brief regardless. Obviously we have had some back and forth during the committee stage regarding the three-hour restraint of trade, and the Attorney has made the government's position very clear.

The Attorney has also made what I think are some pretty patronising comments where he has gone on to insult basically every single person under the age of 30 by suggesting that they do not have their own self-control or free will to make decent decisions for themselves. In fact, he has tried to suggest that the only way that anybody can go out and have fun after 5am is where a venue seeks to exploit a young person. I think that type of comment is exactly why young people do not engage with politics in this state. I have met young people and, technically, I still am a young person. The member for Hartley still looks quite young regardless of his hairline.

The DEPUTY SPEAKER: The definition is 45, is it not?

Mr KNOLL: The young people I see today are better educated and they make better decisions. In fact, all the evidence we have suggests that they are smarter in their decision-making than people of previous generations—dare I say it, people of the Attorney-General's generation.

The DEPUTY SPEAKER: This is not a meandering, is it?

Mr KNOLL: Not at all.

The DEPUTY SPEAKER: It is the beginning of a meander by the sound of it to me.

Mr KNOLL: We have seen pre and post the late night code of practice coming into play that violence both in the metropolitan area and in the CBD has dropped . There was a drop in violence prior to the late night code of practice coming in and the drop is slightly less but there is still a drop post the late night code coming in. That is in both the CBD and in the metropolitan area.

According to the Australian Institute of Health and Welfare Household National Drug and Alcohol Survey, we have seen that risky drinking is falling for minors as well as for everybody and that the overall rate of alcohol consumption, according to the ABS statistics, is falling. We also see that cannabis use is falling. We see that the rate of tobacco smoking in young people is falling. We see that the rate of responsible driving amongst young people is improving and that the drink-driving rate for young people is dropping.

The reason I put all this together is that this same group of people that the Attorney thinks cannot make decent decisions for themselves past 5 o'clock in the morning—apart from the fact that most of these people under 30 are hospitality workers who are seeking to avail themselves of the

few venues that are open and who have probably not had a drink all night anyway—somehow needs the Attorney's fun police to come in and send everyone home.

The DEPUTY SPEAKER: This is a meander. I am sorry, but we need to get back to the third reading. We have other work to do this afternoon. Can we just address the third reading on the committee stage changes to the bill.

Mr KNOLL: Sure—in relation to the most contentious amendment that was put and the one that attracted the most debate. Young people can stay awake, young people have a vitality in them that means they do not need a cup of tea and to go to bed at 10pm. We on this side of the house appreciate and understand that, and we will be sticking up for their rights to go out and responsibly enjoy themselves. I think every young person in South Australia should take note of the insult the Attorney has foisted upon them in seeking to suggest they cannot in any way make decisions for themselves.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:55): I have a couple of brief points. First, I am not having a go at young people or their capacity to make decisions. What I am trying to draw to the attention of the parliament is that if you build a great big honey pot designed to attract certain types of people, surprise, surprise, you will attract them. The honey pots we are talking about, these venues that run all night and put alcohol into people, are unequivocally designed to attract young people. There is no question about that.

My second comment is on this bogus point about all these late-night workers needing to go somewhere to have a drink. Well, of all the people who are out at night consuming alcohol on any Thursday, Friday or Saturday night, I make a wager with members of the opposition that it would be lucky if one in 100 of them, or maybe two on a good night, is actually just knocking off their late-night shift and going out to have a little drink before they go to bed at 7 o'clock in the morning.

These people are not being denied the opportunity of having a drink; they can retire to their own home or the home of their friend and have a little drink if they wish to. We are not preventing them having a drink. The notion that we should keep all these venues open 24 hours a day because a few late-night workers are knocking off and want to have a drink after work is, I think, having the tail wag the dog to an enormous degree.

The other point is that if you look—and I am sure members will have seen this, but maybe not necessarily consciously digested it—at some of the footage that is routinely shown on television about incidents of people in the city in the early hours of the morning or late at night, some of these images are quite disturbing from the point of view of a parent, I have to say. You see young people, young women and young men, clearly in a state of advanced inebriation, sometimes in situations where they are literally prostrate on the footpath or in various undignified postures, sometimes a combination of both those things—

Mr Knoll interjecting:

The DEPUTY SPEAKER: The member for Schubert.

The Hon. J.R. RAU: Sometimes it is a combination of both those things, plus actually being physically ill. You have to ask yourself what public good is being achieved by that. Frankly, I cannot see what it is.

Yes, I accept that overwhelmingly young people are sensible, I agree that overwhelmingly young people do make good decisions, but we all know that these venues are designed to attract a certain group of people, and that is young people, and they are designed to keep young people there drinking because that is what they make their money out of.

It is pretty simple. There is nothing controversial in what I just said. That is basically what is going on. Maybe one evening—for the member for Schubert, one evening; for me, one morning—we can go to one of these venues. At 5 o'clock in the morning, I will be getting up. I will be bright and

chirpy. He will be just finishing a usual evening where, because of his increased stamina, he is able to sit through hours and hours of Danoz Direct and still be bright and perky.

We will go to one of these venues, and we will use a rough rule of thumb to try to count those people in the room, within our field of vision, because we will not have to interview them all, who fit into these marvellous categories I read about. How many baby boomers are we going to find in there? I forget what the other categories are because there are so many of them now.

Mr Knoll: Gen Y, Gen X.

The Hon. J.R. RAU: Gen Y, Gen X and then there is a new one.

Mr Knoll: Millenials.

The Hon. J.R. RAU: Milleniums. How many Milleniums, how many Ys—

Mr Knoll interjecting:

The Hon. J.R. RAU: Millenials, I am sorry. I got them confused with that movie with Robin Williams. I would like us to go through that because I am pretty confident that these places are not jam-packed full of baby boomers listening to Kenny Rogers.

Mr Knoll interjecting:

The DEPUTY SPEAKER: Order! I think we are having a complementary meander and a lot of noise from the member for Schubert. Shall we cut to the chase maybe and do the third reading?

The Hon. J.R. RAU: I think we agree to disagree. I just wanted to debunk the proposition that I am attempting to insult young people—quite to the contrary.

Mr Knoll: You still did.

The DEPUTY SPEAKER: Order! Member for Schubert, it is constant and I cannot stand it.

The Hon. J.R. RAU: I am interested in creating a safe environment where the parents and friends of young people can be reasonably confident that those young people will not be lured into places where it is very easy to slip in another drink, another drink and another drink and, the next thing you know, there they are, disporting themselves in a way that is inconsistent with their general demeanour and inconsistent with their personalities. So, that is what we are trying to achieve.

Bill read a third time and passed.

LAND AND BUSINESS (SALE AND CONVEYANCING) (BENEFICIAL INTEREST) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 March 2017.)

Mr WILLIAMS (MacKillop) (16:02): I am certainly not the lead speaker for the opposition, and I will not take too much of the house's time. The relevant sections of this measure impose significant restrictions on land agents and connections between land agents and/or representatives of a land agent in the sale of a parcel of land. I raised this issue at the time we first debated these measures, which are largely under section 24. There are a number of subsections, and I am particularly referring to 24G.

I want to reiterate to the house the problems that this creates for those conducting the business of land agents, or acting as land agents, in small regional communities. In my hometown of Millicent, which has a population of about 5,000 people, there are not a lot of land agents. On more than one occasion, I have been approached by one of the land agents, or one of the people working for a land agent in that community, because one of their employees or an associate—the definitions are quite wide here—has wanted to purchase a piece of land that has been listed by that agent and, all of a sudden, that has become almost impossible.

There was one case, in the early days of this part of the act being enacted, where one of the agents unwittingly fell foul of this and was deprived of the commission for selling a property because there was some connection between one of this particular woman's employees and the eventual purchaser. It was not a direct relationship. From memory, it went through almost a couple of steps, but the relationship was established. The agent applied to the commissioner for an exemption and that exemption was refused.

Again, in relatively small regional communities land agents are not listing hundreds of properties. Sometimes they might only have 10 or a dozen properties listed at any one time. Their opportunity to be a sustainable business is obviously dependent on their ability to turn those properties over at the earliest opportunity. When the marketplace is restricted, as it is with this particular part of the law, there is a restriction and a number of the potential interested parties are virtually cut out of the opportunity to make an offer on a property. This makes it much more difficult for such agents to run a sustainable business.

I understand that it was this minister who brought this matter to the attention of the house some years ago and had it implemented into our law. I accept that in the metropolitan area and in some country areas there may have been cases where vendors and/or purchasers required the protection that these measures bring, but the reality is that there are unintended consequences of this piece of legislation in small rural communities. I have experienced that, as have a number of my constituents.

I think the clear answer to this is that, where such people who come up against the provisions of the act that would prevent the market working openly and properly, they should have a very ready avenue to seek an exemption. Indeed, the commissioner or the person charged with the responsibility of being able to offer such exemptions should act in a very sympathetic way. I can only inform the house that that has not been my experience in the cases that have been brought to my attention.

The only contribution I want to make is that there are circumstances in small communities in regional South Australia where these restrictions on the activity of land agents, which I obviously accept are well intended, have unintended consequences that make life difficult for the agents, for their employers and for their associates, and limits the market for the vendor. I suspect that we have unintentionally created significant problems in some sectors of the real estate agents space.

I hope that the minister will take this on board, and he may come up with some solution that would not only satisfy his desire to make sure that the real estate market operates in an open and fair manner but also cater for those people operating in a relatively limited market space.

Ms HILDYARD (Reynell) (16:08): I rise today to support the passage of this Land and Business (Sale and Conveyancing) (Beneficial Interest) Amendment Bill 2017. This is an important bill as it increases protections for South Australians in the sale of their property. As members would know, across South Australia for many members of our community so often the family home is the only and almost always the most valuable asset that people own. It is literally the asset that South Australian families often put a lifetime of earnings into purchasing. It is crucial that we make every aspect of the sale of these assets both fair and transparent.

Section 24G of the Land and Business (Sale and Conveyancing) Act 1994 specifies that a real estate agent or sales representative cannot obtain a beneficial interest in land or a business without the approval of the Commissioner for Consumer Affairs. This section of the act was introduced in 2008 and was aimed at preventing the type of behaviour where agents would intentionally undervalue a property and then either purchase the property themselves or have an associate or family member buy the property for significantly less than its market value.

This type of behaviour is, of course, only engaged in by just a few; however, this type of behaviour is illegal and it is deeply unethical. People selling property must be able to rely on and believe that an agent is acting in their best interests and, with those best interests in mind, obtaining the maximum sale amount possible for their home or land. In some situations, not only does the vendor's associate receive a benefit by purchasing the property but the real estate agent also receives a commission.

The proposed amendments are designed to close the loopholes that currently exist by expanding the categories of associates and holding directors and managers of real estate agencies liable in certain circumstances. On this side of the house, we will always support increased consumer protections, protections that safeguard ordinary South Australians, and we will continue to improve our regulatory framework. As part of this improvement, parents, children, siblings and in-laws will all fall under the definition of a relative, and this will include step relations and half siblings.

In one scenario that we are aware of and that this legislation will address, a real estate agency sold a property to the stepson of one of its directors, creating a couple of issues. First, the director was not the listing agent or sales representative for that property, and, secondly, the relationship between a step-parent and stepchild is not currently captured by the definition of a relative and therefore there was no breach. However, under the new provisions, this transaction would constitute a breach of the act as the relationship between the stepfather and son would be captured and the stepfather would be captured in his capacity as a director.

Historical cases have suggested that it is often senior members of our community who are unfairly taken advantage of, particularly when they are also suffering from tragic illnesses such as dementia through which their capacity to effectively negotiate may be impaired. They may also be under pressure to sell, particularly as they are moving into an aged-care facility and are under time constraints. By introducing an aggravated offence for vendors aged 60 years or over, a clear message will be sent to the real estate industry that offences against these people will, rightly, be taken seriously.

Another instance of an agent receiving benefits at the expense of a vendor, which again will be fixed by this legislation, is one where an agent conducted the sale of a property for an elderly lady who, sadly, was suffering dementia and sold the property to his brother's company for $190,000. As the purchase was made in a company name, an associate relationship could not be established. The property was sold very shortly after by the same agent for $239,000 and commission was received.

In another case, the sons of an elderly woman, who was preparing to transition into a nursing home, approached a real estate agent to sell their mother's property. During the course of the sale, the vendor passed away and it was not until after this had happened and the sons had made inquiries that the agent disclosed that the purchaser of the property was actually the agent's brother-in-law. Of course, if the vendors were to start afresh with a new agent, considerable delays and expenses would have been involved. In this situation, although there was no significant financial detriment, the actions of the agent showed a lack of integrity. It is this type of behaviour that can severely undermine confidence within the real estate industry and, of course, the South Australian public.

I commend the Attorney for introducing these amendments. I am certain that these changes will increase consumer protection, particularly providing support for some of our more vulnerable community members, and instil confidence when a person or family takes that enormous step to seek to sell their most valuable asset.

Mr TARZIA (Hartley) (16:14): I rise today also to support the Land and Business (Sale and Conveyancing) (Beneficial Interest) Amendment Bill 2017 and indicate that I am the lead speaker for the opposition. The bill was introduced by the Attorney on 29 March this year and amends the Land and Business (Sale and Conveyancing) Act 1994. CBS and Commissioner Soulio claim that there are cases where various complaints have been received, especially, as we have heard, where there are people who have been unfairly taken advantage of in dealing with a real estate agent, a sales representative or an associate.

We on this side of the chamber are in favour of a free, transparent and open real estate market, of course. However, as we have seen, there are instances where, because of a few who choose to do the wrong thing and take advantage of the frail and the vulnerable, we need to ensure that certain consumer protection mechanisms are in place. That is what this bill aims to do. Currently, the act makes it an offence to receive a benefit from a land sale; that is, for example, a land agent arranges for his brother or someone to buy a property cheaper than its market value whilst presenting as the representative for the vendor.

The government has put forward claims that some cases have not been prosecuted because the offending party may be outside a strict definition of related person. In addition, the current

penalties are not contemporaneous and are inadequate relative to penalties for second-hand car sales. The government considers that the time for prosecution, which is two years from the offending act, is also inadequate and should be extended.

The bill does the following: firstly, it provides for an extension of the definition of those who may be guilty of an offence, particularly extending to persons related to agency employees, associates of a corporate entity, directors of real estate agencies—otherwise known as vicariously liable—and also general managers and managers of individual real estate branches. Also, the definition of associate is extended to include a relative of an employee. I understand that the penalty for obtaining a beneficial interest in selling or obtaining a property, currently a $20,000 fine or imprisonment for one year, will increase to $50,000, which obviously is much more of a deterrent.

Additionally, there will be a new aggravated offence if the victim is over 60, under a guardianship order or suffering a mental incapacity, which at the moment has a fine of $100,000 or imprisonment for two years. It also creates offences for a body corporate, the same as the penalty imposed for the principal offence, unless the director could not exercise due diligence to prevent it. It will also extend the time to prosecute to up to five years from the date of the alleged offence or, with authorisation of the minister, this can be extended to seven years.

The government has conducted much consultation, as have we on this side of the chamber. A government briefing was held on 6 April this year by the commissioner and the Attorney-General's Department. The government has also informed us that it has consulted with REISA and Elders Real Estate, and both are supportive of the government's position. We have had comments made to us by the Australian Institute of Conveyancers, which is generally quite supportive but considers that the potential victim should be over the age of 70 to attract an aggravated penalty. I thought we might talk about that at this point.

I would say that at age 60, on average most people are clearly quite competent. They can still read and write without any issues whatsoever, and so to have an age of 60 under this provision is, I think, a little low. In fact, I would say that when the Attorney is 60 eventually, he will still be sharp as a tack without any doubt whatsoever.

Mr van Holst Pellekaan: Sharper than he is now, anyway.

Mr TARZIA: Much sharper than he is now—exactly. I would not have thought that we should presume that anyone over the age of 60 is incapable of being alert to this kind of exploitation. I think that the age of 60 should be raised to age 70. We consider that the age of 60 for this provision is far too low. The age of 60 still captures quite a significant portion of the market, most of whom would be more than capable of entering into a contract and understanding the kind of relationship that would exist between an agent and a purchaser.

We believe that 70 would be much more appropriate age for the purpose of this section. That, I am informed, is also the position of the Australian Institute of Conveyancers (SA Division). They have also had that view. I understand that the government is also looking to weed out dodgy managers following a flood of complaints to the state's consumer watchdog, Consumer and Business Services. Anything we can do to stop these dodgy operators operating, the better.

We will support the bill; however, we would like to move an amendment to increase the threshold for the aggravated offences of the victim's age from 60 to 70, but we will be supporting the bill with or without amendment. If that amendment is not successful in this house, we hope that the Attorney will give it due consideration between the houses. I commend the bill to the house.

The Hon. J.M. RANKINE (Wright) (16:21): I stand to support the Land and Business (Sale and Conveyancing) (Beneficial Interest) Amendment Bill 2017. The amendments in this bill are designed to increase consumer protection when a real estate agent is engaged by a vendor to sell a property. It was initiated in response to past incidents where people have been unfairly taken advantage of. I remember when someone near and dear to me was working in the fraud squad. There were dreadful examples of people being taken advantage of, and the time it took to bring those complex investigations to an end caused many older people dreadful trauma.

Under these proposed amendments, directors are held vicariously liable for the actions of their agency—so no more out there—and will also be taken to receive a beneficial interest even if

they are not directly involved in the sale. The existing general defence in the act will provide for circumstances where the director took reasonable care to avoid the commission of the offence.

To protect older persons who may feel pressured by real estate agents into accepting offers and may be required to sell their home within a short time frame the bill classifies offences against individuals over 60 years of age suffering from a mental capacity or under guardianship as aggravated offences with higher penalties. The maximum penalty of $100,000 or imprisonment for two years signifies the gravity of these offences and is anticipated to serve as a deterrent to industry members. All other penalties have also been increased to ensure that they are proportionate to the offence in other similar legislation.

We can all imagine circumstances where someone needs to go into some sort of supported accommodation and there is a requirement to sell the home. Some very helpful real estate agent comes in and gives them a very low quote for their house and sells it to a relative or friend and they clearly gain some benefit. Other key changes include the expansion of existing associate categories to ensure that all individuals and corporate entities with an influence over the transactions are held accountable. Again, it is very important.

One major issue with the current provisions is that only the agent or sales representative who has listed the property and their associates can be classified as receiving a beneficial interest. This provides a somewhat easy avenue to circumvent section 24G because any other person, such as a director, manager or a sales representative, will not be connected to the transaction. The amendments ensure that directors and managers of individual real estate agencies and general managers responsible for overseeing multiple branches will have a level of responsibility in relation to both their own actions and the actions of their employees and associates. Without these amendments, it is very easy to play, 'See no evil, hear no evil, speak no evil.'

Employees of agents, sales representatives, directors and managers are considered associates, as are the employees' relatives. Siblings and stepchildren are now also classed as relatives, which will assist in situations where a person's spouse and their family members are involved in a transaction. In one example, the brother-in-law of a sole director of a real estate agency was not deemed to be an associate of the sales representative, the agency or the director's wife. It just does not pass the common-sense test.

As I am sure members can see, there are many instances where the community would undoubtedly say that there had been a conflict of interest but where the offenders have avoided liability due to a legal technicality. The government has the view that the period of time for a prosecution to be commenced must be increased due to the lengthy nature of these transactions. The standard time frame for a prosecution will be five years, or up to seven years in certain circumstances.

As I have said, these investigations can be very complex and very difficult. I am confident that this bill is a vast improvement on the current legislative regime and I commend its passage 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) (16:26): What a refreshing debate this has been. I would like to thank everybody for their participation.

Mr van Holst Pellekaan: Because there was no debate.

The Hon. J.R. RAU: No, there was and it was pithy, it was to the point, it was—

The Hon. J.M. Rankine: One of the best from the opposition.

The Hon. J.R. RAU: —intelligent.

The Hon. J.M. Rankine: Succinct.

Mr van Holst Pellekaan: We get your point. We know exactly where you're going with this.

The DEPUTY SPEAKER: Order! It is only Wednesday and you are all being a bit silly.

The Hon. J.R. RAU: It was devoid of hyperbole. In fact, it was refreshing. Can I say to the member for Hartley—and I have often thought this, but he has reinforced this today—that he is an unrecognised and unrewarded contributor.

Mr van Holst Pellekaan: That's not true. He is highly recognised.

The Hon. J.R. RAU: Well, he should be recognised more because today he got to the point. We did not get a lecture about the big bang and then move forward in real time. We got right to the point, so well done. To be slightly more particular, because I do not want to blow him up too much: well done, member for Hartley. I do not want blow him up too much because it might appear in a pamphlet in six months' time.

There are two points here; the first is the point made by the member for MacKillop, and I agree with the point made by the member for MacKillop. He makes a very good point, that if you are dealing with a very small community where everybody knows everybody and, let's face it, by reason of marriage or something else everyone is often connected in some way or another, it is a legitimate point to say that there are going to be enormous circumstances in which there is going to be some connection between the person selling the land and the potential purchaser. I get that.

The answer to that is not to water down the requirement of disclosure, because that is important. The answer is to improve the ease with which the exemption can be sought and obtained. To that end, I would like to reassure the member for MacKillop that CBS is currently preparing a comprehensive package to support these reforms. It has already been reviewed and a streamlined approach to the exemptions is being incorporated in it. This will categorise the applications into low, medium and high risk using a point-based system.

CBS is also seeking to create an online digital place where these applications can be dealt with. Instead of having to go through a lengthy process or whatever, a land agent or their staff will be able to go online and make these applications online. That is the purpose of it. The CBS staff are also in consultation with REISA with a view to improving education by REISA of their members and staff so that this new system, which will not in any way take away from the reform, will minimise the adverse potential impact of the type that was described by the member for MacKillop. That is the first point. He makes a good point, but I think we understand that point and we are doing something about it.

The second point is the point made by the member for Hartley in his very succinct and compelling speech—that not everybody at the age of 60 is infirm. I have neither been to the mountaintop nor yet seen the promised land, but it is not that far away. It is another couple of decades for me—at least I hope that is the case. Maybe 'decades' is the wrong word. The point is that we have a federal constitution that states that judges of the High Court can be there until they are 70. Many people in the legal profession, as the member for Hartley would know, say that it should be 75 or something. I think that in some states Supreme Court judges are there until they are 73 or 75.

As I said, even though I have not been there personally, I am very taken by the propositions being advanced by the member for Hartley about people who turn 60 not automatically thereby being befuddled. That said, apparently there is a national scheme where the number around the country is 60. I am the last person to say that that is a good reason for us to pick 60 because I do not necessarily think that because it is in a national scheme it is necessarily right.

I am going to oppose it here with a big caveat around it that I want to look at it further. We only got it the other day, and I would need to be persuaded that there is some vast eternal plan that would be totally disrupted were we to change from 60 to another number because, frankly, I do not think everybody by reason of being 60 is necessarily befuddled or incapable. Of course, there are befuddled or incapable people over 60, as there are under 60, and I will not go back to the previous debate to identify people at 3 o'clock in noisy venues with mirror balls. Can I leave it at that. I know that that may not please everybody.

What got me was the compelling nature of the way in which the member for Hartley went right to the point. The member for Hartley has obviously studied what goes on in here very carefully and has seen what works and what does not work. He is obviously a keen learner, and he has worked out that if you go to the point and stick to the point, and you do not embroider it with hyperbole and

vitriol but you just talk about what you have to talk about and then in a dignified manner resume your seat, the world is your oyster.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr TARZIA: I move:

Amendment No 1 [Chapman–1]—

Page 4, line 6 [clause 4(7), inserted subsection (10a)(a)]—Delete '60' and substitute '70'

Mr TARZIA: To reiterate, the current bill relates to protecting obviously vulnerable people from being exploited by unscrupulous land agents and it is quite distinguishable. We believe that we should surely not presume that anyone over the age 60 years should be presumed to be incapable of being alert to possible exploitation.

The Hon. J.R. RAU: Again, that is how it is done. Can I just correct the record briefly. I mentioned before about 'around the country'. I have been corrected and I want the record to show that I am acknowledging and correcting myself immediately. It is in other acts of the parliament here where it is an aggravated offence, for example, to assault somebody over that age and those sorts of things. I think that is a different context and I do not wish to add anything.

The CHAIR: You are being consistent.

The Hon. J.R. RAU: Yes. That is all we would be doing. Until I heard from the member for Hartley, I was completely in one camp, but he has dragged me in.

Amendment negatived; clause passed.

Remaining clauses (5 and 6) and title passed.

Bill reported without 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) (16:36): I move:

That the bill be now read a third time.

I thank everybody for the debate. This is how parliament should be done. This is good.

Bill read a third time and passed.

NATIONAL GAS (SOUTH AUSTRALIA) (PIPELINES ACCESS-ARBITRATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 March 2017.)

Mr VAN HOLST PELLEKAAN (Stuart) (16:37): I advise that I am the lead speaker, but I will not be challenging the house's time, and say right at the start that the opposition will support the bill. On 29 March 2017 the Minister for Mineral Resources and Energy introduced the National Gas (South Australia) (Pipelines Access-Arbitration) Amendment Bill amending the National Gas (South Australia) Act 2008.

The bill establishes the framework for arbitration for the non-scheme pipeline services, otherwise known as non-regulated pipelines, where commercial negotiations between a prospective

user or users and the pipeline service provider break down. It also provides a framework for greater disclosure of information by non-scheme pipeline service providers. There are two gas pipelines in South Australia that would be affected by this bill: the Moomba to Adelaide pipeline and the Port Campbell to Adelaide pipeline.

The bill is the result of a report for COAG Energy Council that found that uneven bargaining relationships exist around the transportation of gas. Given that transportation makes up approximately 15 per cent of the price of gas, it is hoped that costs will be lowered through mandating commercial arbitration and greater transparency of pipeline services. All state and territory energy ministers, as part of their membership of the COAG Energy Council, support the legislation. Regarding the arbitration process, this bill requires a user or prospective user of a pipeline and the pipeline service operator to negotiate in good faith. Only if negotiations between the parties break down can the arbitration process commence. The arbitration process is only to be used as a last resort measure.

The Australian Energy Regulator (AER) is appointed as the scheme administrator. The AER can be notified by either the user or the provider that a dispute exists and then determine whether the matter should be referred to an arbitrator. An arbitrator for the dispute is to be appointed by mutual agreement of the parties involved; however, if they are unable to agree on an arbitrator then the AER will appoint one for them. The cost of the arbitrator will be borne equally between both parties unless the arbitrator deems otherwise in accordance with the National Gas Rules (NGR).

When making a determination, the arbitrator must take into account any pricing or other principle specified by the NGR. Under this bill, the arbitrator's determination is binding on the parties involved in the dispute. Like many other acts, much of the detail will be outlined in the rules and regulations attached to the act. The National Gas Rules will primarily specify the details of the arbitration process. The bill itself only provides the high-level framework for the arbitration process to be established.

In a government briefing, I was advised that draft National Gas Rules will be presented to the COAG Energy Council for approval at its next meeting in July 2017. If approved, the National Gas Rules would be implemented in South Australia if this bill passes both houses of our parliament. The bill also stipulates that the collection, disclosure and publication of information relating to the services that may be provided by a non-scheme pipeline operator should be specified in the NGR. This includes the terms and conditions under which the service provider is prepared to make a non-scheme pipeline available for use, the relevant costs and/or prices and the access contracts and arrangements by the service provider.

I support the general intent of the bill to improve the bargaining relationships that exist in the gas transportation industry and the potential for lower costs to the end user. However, it is important to note that there is nothing in this bill that requires that cost savings achieved by a pipeline user must be passed on to gas consumers.

With regard to consultation, during the COAG Energy Council process submissions were received from the following stakeholders: the Australian Energy Regulator, the APA Group, the Australian Pipelines and Gas Association, Australia Pacific LNG, DBP Transmission from WA, Epic Energy, Santos GLNG, Hydro Tasmania, Jemena, Major Energy Users Incorporated and the Energy Users Association. Stakeholders were generally supportive of the intent of the legislation, but raised various issues relating to some parts of the bill, predominantly around the potential structure of the arbitration process, which will be detailed in the National Gas Rules. Most stakeholders raised no concerns with regard to greater transparency.

Like many bills we discuss here, generally the framework in the bill or the potential act is quite sensible and based on principle. We are almost always told that we have to wait for the detail of how that will be implemented, that that would come in the regulations and, in this case, in the NGR, which will form the regulations attached this bill. As I said at the start, we support the bill. We want to do absolutely everything possible from opposition to contribute to achieving lower energy costs to energy consumers. Of course, that includes reducing the cost of the transportation of gas if possible.

We will support the passage of the bill through both houses and wait earnestly to know what will actually be in those National Gas Rules/regulations. Just like other bills—one that comes to mind very recently was the Firearms Bill—we all largely agreed on the principle in the bill itself but many, many months later the regulations are still being negotiated in great detail. That is proving a very fraught process, and I hope that will not be the case with this bill. As long as the regulations and National Gas Rules are sensible and impose burdens of transparency but no other unfair burdens on either the users or the suppliers of the service, then this bill will be very useful. I commend it to the house.

Mr HUGHES (Giles) (16:44): I rise also to speak in support of the bill, and I acknowledge the succinct description given of the bill and some of its implications by the member for Stuart. We all want to see cheaper energy prices. I am particularly mindful when I rise to speak in support of this bill of the impact of gas prices on some of the big users in our state.

I know that the Arrium operation is to a degree dependent upon natural gas for a number of processes. They sometimes use natural gas, sometimes in combination with syngas that is produced on the site, for their energy assets. Just a few years ago, they made a very significant investment in upgrading the reheat furnace and shifting that furnace from using predominantly gas that is produced on site to using natural gas because of its higher calorific value, which was going to generate efficiencies and some environmental benefits as well.

Access to gas at competitive prices is incredibly important, and this bill is just one element that is needed for the overhaul of the regulatory environment of the pipeline industry, especially that section of the industry that is not regulated to a significant degree. Last year, the ACCC invited submissions on the examination of the current test for the regulation of pipelines. If you have the time, it is worth going through some of those submissions.

One particular submission that appealed to me was from Central Petroleum Limited. The reason it appealed was that it was to the point and made some telling criticisms of the current national regulatory environment of the pipeline industry for gas. The executive summary gave an account of the National Gas Objective, which is to 'promote efficient investment in, and efficient operation and use of, natural gas services for the long-term interests of consumers of natural gas with respect to price, quality, safety, reliability and security of supply of natural gas'. It could be argued that, on a number of those measures, there is a failure of the regulatory framework. They went on to state in their submission:

> The efficiency of the gas market and its competitiveness are distorted by natural gas transmission pipelines which are clear natural infrastructure monopolies yet operate without any effective economic regulation. Initial high tariffs are appropriate and necessarily part of the pipeline investment decision. But under the current regime pipeline owners are able to continue charging these initial high tariffs well past the full recovery of the original investment and, in effect, are able to continually increase those charges in step with new build cost, which is the only alternative available to the market…

They make an incredibly important point, and it is an important point because:

> Approximately 75% of domestic gas consumption is industrial or gas-fired generation, for which the wholesale citygate price is the relevant pricing point…

That price has increased very significantly over the last decade. It has doubled and is going even farther than that. Some of the anticipated price rises represent more than a doubling over the last decade. This is going to have a major impact if we do not address these increasingly high gas prices, of which transmission is an important element. It is going to lead to higher manufacturing costs, less competitive manufacturing and the discouraging of investment in a new or improved plan.

Longer term, it will cause disinvestment as the Australian manufacturing sector withers and imports displace local manufacturers. That is not something we want to see happen. It is one of those conundrums, though it is probably not a conundrum because it is quite simply explained: how can there be a shortage of domestic gas supplies when there is so much liquefied natural gas available? In their submission, Central Petroleum Limited say:

> The reason is not a shortage of potential natural gas supply available particularly within the east coast and the Northern Territory.

And that does have an impact upon us here. They also state:

Rather, the constraint on the domestic supply of competitively priced natural gas is simply due to market failure within the East Coast Gas Market. The rising gas price with no responsive increase in new gas supply investment despite the abundant resources available provides the strongest empirical evidence of market failure. The recent ABS statistics show a 69.5% decrease in drilling for onshore gas despite historically high citygate prices.

They go on to say:

In an efficient gas market, high demand increases incentives to invest and develop new gas supply—

this is not just all about the moratoriums; there are other elements at play—

with an over-supply driving gas prices lower for end-users. Currently in Australia's domestic gas market, a significant portion of the price signal is absorbed by the monopolistic pricing practices of pipeline owners. Potential new gas supplies remain under invested and end users face constricted supplies and consequently, significantly higher prices.

It is the nature of the market at the moment, when it comes to transmission, that that is one of the significant problems. It is not the exclusive problem, but it is one of the significant problems. They go on to talk about price gouging in this way:

Currently, price signals between gas suppliers and end users are heavily distorted by monopolistic pricing models used by pipeline owners.

The absence of effective economic regulation of pipelines results in higher delivered costs for the end user and lower ex-field gas prices for gas suppliers than what would otherwise have been the case. The distortion in the price signal by monopolistic pipeline pricing is now…generating unnecessary and significant dislocation in the gas market.

Market failure is assured by the loss of efficient pricing signals which are the core objective of the National Gas Objective and evident by the profitability of incumbent pipeline operators. The gas pipeline transmission pipeline is an integral part of the natural gas market.

Essentially, price gouging is happening and any comparison to profits made by the transmission owners against the sorts of returns on the Australian Stock Exchange demonstrate that they are generating super profits. They continue:

Current regulations allow pipeline operators in perpetuity to price services at rates that reflect the replacement costs of the pipeline infrastructure, even though the initial investment was underwritten by users…This monopolistic pricing strategy remains in force throughout the 60 or 80-year life-span of any particular pipeline. It continues to apply long after the pipeline owner has recovered a reasonable return on that investment commensurate with the risk of that asset. This generally occurs in the first 15 years of operation post-construction…and is underpinned by the pipeline's foundation contracts which serve to underwrite the risks of new pipeline investment.

There is definite price gouging going on when it comes to gas transmission assets in Australia. This needs to be addressed, and not just this particular element but a number of other elements when it comes to the regulatory environment of what are essentially non-regulated assets at the moment.

The arbitration element referred to in this bill goes some of the way, but it goes nowhere near what needs to be done to address some of these issues. We need to address some of these issues for longer term needs. As we shift increasingly to renewables, gas is often referred to as a transition energy source. Gas is incredibly important when it comes to addressing the intermittent nature of renewable energy supply. There will be other ways of addressing that as well.

The gas industry itself reflects that there might well be a long-term use for the gas pipeline infrastructure that is in place in Australia, which is a huge asset. The gas industry and a number of other peak bodies talk about the gas infrastructure that is in place as playing an incredibly important long-term role. I refer to an article in *The Australian* back in March, which states:

The nation's huge collection of gas pipes and distribution networks could store as much energy—

and they like to give an equivalent—

as six billion Tesla Powerwall batteries and be used as a massive battery in the future as the energy sector moves towards renewables, according to Australia's gas sector.

It was interesting to listen to the Treasurer the other day talk about the hydrogen road map. In a grievance debate last year, I went into some detail about hydrogen and its potential importance for the future of this state, and also nationally, being a long-term resource that could underpin the move towards renewables, not just for domestic use but also the potential for the export of hydrogen either as hydrogen or as ammonia, as a carrier for hydrogen, to overseas markets. I think it is incredibly

important that, when it comes to the regulation of the gas transmission system, we get it right, but we do have a long way to go.

Mr PEDERICK (Hammond) (16:57): I rise to speak to the National Gas (South Australia) (Pipelines Access-Arbitration) Amendment Bill introduced in this house on 29 March 2017. I make the point, as I have before, that I have worked in the Cooper Basin, the Alice Springs oilfields and in Jackson, Queensland, back in the early eighties.

This bill establishes the framework for arbitration, which we have already heard about today, for the non-scheme pipeline services, the non-regulated pipelines, where commercial negotiations between a user, or a prospective user, and the pipeline service provider break down. It also provides the framework for greater disclosure of information by non-scheme pipeline service providers.

There are two gas pipelines in South Australia that essentially are affected by this bill: the Moomba to Adelaide pipeline and the Port Campbell to Adelaide pipeline, which is the SEA Gas pipeline. It actually runs just outside Coomandook through to the back of Murray Bridge and Mannum through to the city. In fact, I talked in this place recently about the proposal for an Investec electricity generator a few years ago (I think it was 2010) just outside Mannum at Tepco.

This bill was the result of a report for the COAG Energy Council, which found that an uneven bargaining relationship existed around the transportation of gas. Given that transportation makes up 15 per cent of the price of gas, it is expected that costs will be lowered through mandating commercial arbitration and greater transparency of pipeline services. As part of their membership of the COAG Energy Council, all state and territory energy ministers support the draft legislation.

In regard to the arbitration process, this bill requires a user or prospective user of a pipeline and the pipeline service operator to negotiate in good faith, and only if negotiations between the parties break down can the arbitration process commence. The arbitration process is only to be used as a case of last resort. The Australian Energy Regulator is appointed as the scheme administrator. They can be notified by either the user or the provider that a dispute exists and then determine whether the matter be referred to the arbitrator.

An arbitrator for the dispute is to be appointed by mutual agreement of the parties involved. However, if they are unable to agree to an arbitrator, then the AER will appoint one for them. The costs of the arbitrator will then be equally borne by both parties unless the arbitrator deems otherwise in accordance with the National Gas Rules. When a determination is being made, the arbitrator must take into account any pricing or other principle specified in the National Gas Rules. The arbitrator's determination is binding on the parties involved in the dispute.

As we have heard today, much of the detail will be outlined in the regulations. I also note that the firearms regulations have been in the process of being negotiated for nearly 18 months. The National Gas Rules will primarily specify the details of the arbitration process, and the bill only provides the high-level framework for the arbitration process to be established. In a briefing supplied to us, we were told that a draft NGR would be presented to the COAG Energy Council for approval at their next meeting in July 2017 and, if approved, the NGR will be implemented in South Australia.

In regard to transparency, the bill stipulates that the collection, disclosure and publication of information relating to services that may be provided by a non-scheme pipeline operator be specified in the NGR. This includes the terms and conditions on which the service provider is prepared to make a non-scheme pipeline available for use, the relevant cost prices and access contracts and arrangements used by the service provider.

We on this side support the general intent of the bill to improve the bargaining relationships that exist in the gas transportation industry and the potential for lower costs to the end user, but it is important to note that there is nothing in the bill that requires cost savings to a pipeline user to be passed on to gas consumers. During that COAG Energy Council process, submissions were received from the following stakeholders: the Australian Energy Regulator, the APA Group, the Australian Pipelines and Gas Association, Australia Pacific LNG, DBP Transmission (based in Western Australia), Epic Energy, Santos GLNG, Hydro Tasmania, Jemena, Major Energy Users Inc and the Energy Users Association.

In the main, the stakeholders were supportive of the intent of the legislation. Some stakeholder issues were raised around some parts of the bill, predominantly the potential structure of the arbitration process that is likely to be detailed in the National Gas Rules. That will come out in the regulation process. Most stakeholders raised no concerns with the requirement of greater transparency.

Certainly, back in the day in the Cooper Basin in the eighties, there were many work teams, mainly pipeline engineering teams, building many hundreds of kilometres of pipeline. The men would work shifts of four weeks in and one week out, and I salute all the men on those shifts because they did not get home very often. With full X-ray inspection, gas pipe welding has to be absolutely spot-on, and I take my hat off to what those people did in the field.

To improve the efficiency of gas pipelines, there are things called 'pipeline pigs and scrapers'. These improve system performance for greater profitability, and many companies have been doing this for many decades. You can get pigs that do cleaning, batching, gauging and liquid displacement. Specialty pigs are available in multiple diameters and designs to meet specific pipeline and product demands.

Mr van Holst Pellekaan interjecting:

Mr PEDERICK: You can. Customisation and configuration options ensure tailored solutions can be found for different pipeline diameters. Pigs are used to achieve maintenance and integrity goals, reduce downtime, maximize throughput and mitigate operational risk.

Mr Picton interjecting:

The DEPUTY SPEAKER: Do you need my protection, member for Hammond?

Mr PEDERICK: Absolutely, Independent Deputy Speaker. Chuck him out. He has been at it all day, ma'am. Pigs are best used for cleaning to maintain line efficiency and control corrosion; batching operations to prevent product mixing and contamination in multiproduct pipelines; gauging operations to prove pipeline roundness and help detect obstructions and defects; displacement of air ahead of hydrostatic testing and water after the test, as well as displacement of hydrocarbons prior to field repairs; recovery of natural gas liquids; and application of corrosion inhibitors.

Pigs come in a wide range of pipeline diameters, and multiuse, bidirectional and dual diameter capabilities are available. There are standard and custom configurations for maximum flexibility. Pigs have tough, long-lasting original components and replacement parts. Pigs can be combined to perform a broad variety of functions.

The reasons pigs are used in the industry include removing construction debris, hydrotesting and gauging and, in terms of operation, they are used for commission, cleaning, condensate/water removal, batching and application of inhibitors. They are used for maintenance and repair, pre-inspection cleaning and isolation. They are also used for renovation and rehabilitation, including chemical pigging, removal of contaminants, pre-product conversion cleaning, decommissioning and recommissioning.

Pigs can be used offshore, but they may require special design features. Generally, pigs used offshore must be able to accommodate very heavy wall pipe and large variations in wall thicknesses due to different design codes for platform and riser piping versus subsea mainline pipe. In addition, offshore applications often require extra-long pigs. These can be used and supplied by various companies.

Mr Hughes: How long have you been waiting to talk about pigs?

The DEPUTY SPEAKER: I am going to have to protect you again, member for Hammond.

Mr PEDERICK: They just keep harassing me, Deputy Speaker.

The DEPUTY SPEAKER: Back off, member for Giles.

Mr PEDERICK: Batching pigs are used to provide a highly reliable barrier between dissimilar products in the pipeline, such as jet fuel and gasoline, protecting pipeline owners and operators from the significant costs associated with product mixing and contamination. Cleaning pigs provide one of

the simplest, most cost-effective ways for pipeline owners and operators to optimise flow, reduce corrosion and minimise the presence of foreign matter in products.

Gauging pigs offer pipeline owners and operators a fast, cost-effective way to determine whether there is an obstruction or pipe diameter reduction in their pipeline, whether it is in the pre-commissioning phase or in service. Liquid displacement pigs capture valuable natural gas liquids to filling dewatering pipelines after hydrotesting, displacing liquids essential to optimising production, performance and profitability.

Obviously, you need replacement components for pigs, such as cups, blades and brushes, which can help pipeline owners and operators extend the overall life, efficiency and cost effectiveness of their pigs. As their name suggests, special application pigs enable pipeline owners and operators to perform unique cleaning or maintenance services.

Members interjecting:

Mr PEDERICK: That's it.

The DEPUTY SPEAKER: I am going to have to protect you again.

Mr PEDERICK: Throw them out, Independent Deputy Speaker. That was a brief overview of the use of pigs in the gas industry.

Mr Picton: Tell us more!

Mr PEDERICK: I could, but we are limited by time. I was not the lead speaker, but I would have loved to. What I would like to reflect on is that it is an expensive industry: you do not just put gas into a pipe and it flows to the house, the industry or the business. Over the Christmas period, Epic Energy spent a considerable amount of money at Port Pirie, and they had to have gas stored there for industry. Obviously, they used the downtime for industry at Port Pirie, and a lot of people worked a lot of overtime.

It cost them a lot of time to check the stability of pipelines after a recent issue with a pipeline breaking down while in service. They had to put large storage tanks in place to store enough gas so that industry in Port Pirie could keep operating. They then did their testing, and obviously part of that testing was to run different pigs to make sure that those pipelines were operating effectively and efficiently.

It is a very complex business. It is not as simple as looking at a pipeline and hoping that everything works well. Way back in the day in the eighties, I was home on leave from working in the Cooper Basin. There was a break in the Adelaide-Moomba line—an explosion—and they reckoned there was one heck of a fire that took some time to bring under control. Certainly, gas is vital to the community, it is vital for power generation, it is vital for industry and it will be vital for a long time into the future to keep the energy needs of our state going.

Mr ODENWALDER (Little Para) (17:11): That is a hard act to follow. I rise to support the National Gas (South Australia) (Pipelines Access-Arbitration) Amendment Bill. As the minister has said, and as others have repeated, the bill amends the national energy legislation to promote efficient gas transportation and to address the natural monopoly characteristics of gas pipelines and the market power held by pipeline owners in their negotiations. I am not going to repeat the observations of the minister or the excellent contributions of other members—the member for Giles, the member for Stuart, and particularly the member for Hammond.

The Hon. S.W. Key: He was outstanding.

Mr ODENWALDER: He was outstanding; it goes without saying. I want to make a few very brief observations about the importance of gas in our energy economy, which the member for Hammond has touched on.

Gas exploration, and the sourcing and security of the supply of gas, is of critical importance to us in Australia. Indeed, one of the key planks of the Premier's energy plan and our government's energy plan, is for South Australia to source and to use more South Australian gas to generate its own electricity and thereby enhance our own energy security. We know that South Australia has

enormous untapped gas resources. Indeed, it is estimated that the Cooper Basin alone could supply all of Australia's energy needs for at least 200 years.

To this end, we are making no secret of our efforts to incentivise exploration for gas and to help unlock this abundant resource. This is about energy security, and it is also about jobs, as the member for Hammond also observed. As I said, we are doing all we can to incentivise gas exploration. We are partnering with industry to increase gas supplies to benefit all South Australians. So far, this government has granted $24 million through our Plan for Accelerating Exploration (PACE) Gas grant initiatives. These grants are aimed at accelerating exploration and development of gas fields to deliver security of supply, particularly to South Australian gas-fired electricity generators, manufacturers and retail consumers.

The PACE initiative is one of this government's medium-term measures to increase energy market competition, to drive down costs for businesses and consumers and, also importantly, to reduce carbon emissions. This funding recognises the need for new gas supplies following predictions in some quarters that the demand for gas in the Eastern States, particularly, will increase in coming years. As I said, it also helps South Australia transition towards a lower carbon future.

Round 1 of the PACE grants, which is a total allocation of $24 million, was, in the end, insufficient to support all the meritorious projects that were the subject of applications. In total, eight applications were received in the first round. Subsequent to five of those successful applicants benefiting from the first $24 million, an additional $24 million was announced in round 2 on 14 March this year to further incentivise gas production from South Australian gas fields for South Australian consumers.

The first round of PACE grants was announced in March. These grants are limited to the projects with the most substantiated prospects of adding to gas supplies from South Australia by the end of 2019. These first five PACE Gas grant projects will generate up to $174 million in new investment by oil and gas companies in local production projects, and it is likely that self-funded follow-up work by the successful applicants will result in investments of hundreds of millions of dollars into this state. One PACE Gas grant project out of that five is for the use of fracture stimulation in existing petroleum well bores in the Cooper Basin.

It is important to note that since 1969 over 850 petroleum wells have been fracture stimulated in South Australia's Cooper Basin and Officer Basin, in both conventional and unconventional reservoirs, all safely and all without harmful impacts. There are no proposals on the table to undertake fracture stimulation in the South-East. However, should such a proposal arise, the community can have confidence that the existing regulatory regime under the Petroleum and Geothermal Energy Act will deliver balanced, trustworthy, efficient and effective regulatory decision-making that takes into account regional and statewide risks and benefits, as well as the full range of community views when assessing whether or not a proposal is approved.

The Hon. S.W. Key interjecting:

Mr ODENWALDER: I hope you take some comfort from that. Grants for PACE round 2 will be capped at $8 million each and applications will close on 1 August 2017, with successful applicants being announced in October 2017. I support any measures that will ensure energy security for South Australians, including measures such as those contained in the bill that will have the effect of increasing the supply of affordable gas into South Australia. I commend this bill to the house.

The DEPUTY SPEAKER: The member for Kaurna is going to speak, but I understand you are also going to close the debate; is that right?

Mr PICTON (Kaurna) (17:17): That is right. Thank you, Deputy Speaker. As mentioned, I am very delighted to speak on behalf of the Treasurer and the Minister for Mineral Resources and Energy to sum up the debate on the National Gas (South Australia) (Pipelines Access-Arbitration) Amendment Bill 2017. Firstly, I would like to thank all the speakers who have contributed to this debate in the house this afternoon—namely, the members for Stuart, Hammond, Giles and Little Para—for their fantastic contributions. We learnt a lot, particularly from the member for Hammond, about the use of pigs in the pipeline industry. I have taken away some knowledge out of this.

An honourable member: You can't unlearn it.

Mr PICTON: I can't unlearn it. It is one of those speeches that we will look back upon and refresh ourselves when needed. The member for Hammond knows this industry very well having worked in the gas industry previously. I know that there are a lot of members on both sides of parliament who are very passionate about the gas industry in South Australia because it is such an important industry for the state.

In particular, I have been up to Moomba a couple of times. The first time was with the member for Bright and the second time was with the members for Napier and Flinders as part of the Natural Resources Committee investigation into unconventional fracking developments in the South-East. It is very impressive to see the work happening up there in the member for Stuart's electorate and the huge number of people who are employed in the area and, of course, we want to see more and more people employed in that industry in South Australia.

Gas is particularly important not just for the jobs, industry and development involved in the drilling and exploration, but also for what it delivers, particularly for households. It is very important for heating and cooking in our homes but particularly also for industry. In his speech, the member for Giles talked about the importance of gas for industry, particularly for manufacturing in this state. Gas is also very important for the production of electricity in this state. We know that by far the largest component of our electricity comes from gas-fired power stations in South Australia. We are a gas state. Other states are coal states and the majority of their power comes from coal-fired power stations.

We rely on those gas-fired power stations in South Australia, and of course an important provision of our state energy plan is to develop a new state-owned gas-fired power station, which would be a fast-start power station, but also to use the contracting of government energy loads to bring in a new provider, which may be a new gas-fired power station into South Australia, but that remains to be seen. We also understand that there are a number of other proposals for people to build new gas-fired power stations in South Australia and we have also seen recently the unmothballing, if you like, of the Pelican Point power station, which has been a fantastic development for our energy security in South Australia.

We know that it is very important for those jobs in exploration, and we know that it is very important for homes and businesses, but it is also very important for our electricity production in South Australia. For all those reasons, the pipeline situation is very important for South Australia. We need to make sure that we have a strong and effective system for pipelines not just in South Australia but across the country to make sure that access is available to those pipelines so that we can get a fair and equitable transmission of gas across the country and make sure that it is done without people charging monopoly rents for that gas and make sure that the gas can get where it needs to go for all those important reasons I have highlighted.

In that context comes this bill, which is the result of the COAG Energy Council's agreement late last year to put in place a commercial arbitration framework for disputes over pipeline access. You can understand that disputes over pipeline access occur from time to time where people who own those pipelines might be setting prices that the people who need to use them would not want to see. This bill is aimed at addressing the information, the symmetry that currently exists between parties negotiating for access to non-scheme pipelines on the one hand and the pipeline operators in a superior negotiating position on the other.

Of course, that is what happens when you own a pipeline: you are in a superior negotiating position and also, of course, as part of that you have superior information to go into that negotiation with. That is what this bill is looking to address. I think it is important that we look at the context in terms of the work that has been happening from the Australian Competition and Consumer Commission (ACCC) inquiry that has recently been underway in regard to the price of gas around Australia. We know that the recommendations of that inquiry have informed the formation of this bill.

It was back in 2015 that the commonwealth government directed the ACCC to hold an inquiry into the competitiveness of wholesale gas prices in eastern southern Australia. It released its report in April 2016 and made a number of recommendations, including a new test for determining whether

a gas transportation pipeline should be subject to price regulation. The key findings of the ACCC inquiry concluded:

> The wholesale market is not functioning well and regulatory restrictions on supply and current low oil prices are hindering the development of new gas for the market. New supplies from new producers are vital to promote competition and to assure supply into the future.

I think that last point touches on a number of government policies in place, namely, one that the member for Little Para talked about in his speech—that is, the fact that we are not seeking to put restrictions on unconventional fracking developments in South Australia, unfortunately I have to say, as those opposite are proposing to do. We want to see more gas developing in South Australia, and that is why we have introduced new PACE grants to make sure that new developments can happen here.

However, across much of the rest of the country we have seen moratoriums being put in place—in fact, I think Victoria's is quite extreme to the point of including even conventional gas developments having a moratorium. They are reducing the amount of exploration we are seeing across the country, and that is one of the reasons we are seeing increases in prices across the country that are hurting both businesses and consumers.

The second key finding of the ACCC inquiry included that the regulatory regime that currently applies to transmission pipelines is not fit for purpose and not constraining the exercise of market power by pipeline operators and needs to be strengthened. That is, of course, one of things that has led to our bill here today. Thirdly, the gas market is hampered by limited information which favours producers, suppliers and large incumbents. All of those are important reasons why we are seeing reform being undertaken.

The ACCC found evidence that pipeline operators are engaging in monopoly pricing and that this behaviour is widespread and affecting the prices payable on both major and smaller pipelines. There is also evidence that the ability and incentive pipeline operators have to engage in this behaviour is not being constrained by competition, the countervailing power of shippers, stranding risk, or threat of regulation. This is resulting in users paying higher prices for gas and, in some cases, producers receiving less for their gas. This, in turn, is leading to inefficient outcomes, including lower than efficient levels of gas use and investment in facilities that use gas.

Few transmission pipelines are regulated, and the threat of regulation is also failing to impose an effective constraint on the behaviour of unregulated pipelines. This is because the current test for regulation under the National Gas Law (the coverage criteria), which largely mirrors the declaration criteria under part IIIA of the Competition and Consumer Act, is unlikely to be met by the majority of transmission pipelines, given the characteristics of the market. The ACCC's recommendations in this space are designed to make the test for regulation and other aspects of the regime fit for purpose, targeted and proportionate to the market failure that has been observed by the ACCC, and to contribute to the achievement of the National Gas Objective.

The east coast gas markets lack transparency in many areas, including the level of reserves and resources, current and expected future production, gas prices, transportation prices, and the level and availability of storage. Informational gaps are hindering efficient market responses to the changing conditions and are not signalling expected supply problems effectively. The ACCC's recommendations in this area will be addressing these informational barriers.

We can see that this report from the ACCC really highlights some important issues in gas across the whole country, namely, in regard to regulation of those pipelines, which is important to make sure we have an effective and efficient national gas market that operates in a competitive fashion. Relevant to this bill, the key findings included the regulatory regime for transmission pipelines not effectively constraining the market power of pipeline operators.

The COAG Energy Council released a reform package in August last year based on addressing the ACCC recommendations and the recommendations of the AEMC's East Coast Wholesale Gas Market and Pipeline Frameworks Review. This reform package identified four areas of priority: gas supply, market operation, gas transportation and market transparency. This bill goes towards improving market transparency and aims to bridge the gap between the levels of information available to the different players in the market. It is an important step in reforming the wholesale

market to ensure it is operating as effectively and efficiently as possible. It is certainly something that has the support of everybody on this side of the house.

I would like to thank everybody in the department and in the energy markets division who has worked so hard on this and on so many other areas of COAG energy reforms, namely, Vince Duffy and Rebecca Knights. I am sure that they go to bed at night dreaming about gas pipelines regulations and competition reform. They know all this information back to front and sideways, which certainly provides the government with good advice in what can sometimes be a very technical area. I also thank members of the Treasurer's staff who have worked on this, including Emma Schwartz. This is an important part of our COAG energy reform package and we commend it to the house.

Bill read a second time.

Third Reading

Mr PICTON (Kaurna) (17:29): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Adjournment Debate

GUMERACHA KERSBROOK LIBERAL PARTY BRANCH

Mr GARDNER (Morialta) (17:30): I thank members of the house for giving me the opportunity to make a brief adjournment speech tonight. As is the custom of the house, if the house adjourns before 5.30, we can make some comments. I want to talk about the history of the Gumeracha Kersbrook branch of the Liberal Party.

I very rarely talk about the internal machinations of political activity, as it is not really appropriate, but the significant history of the Gumeracha branch over a very long time warrants an exception to this rule. I want to pay tribute to some of the volunteers of the Liberal Party who have contributed not only to the Liberal Party in Gumeracha but, more broadly, to South Australia, such is the importance of this branch's history.

The Gumeracha Kersbrook branch's final AGM was on 27 April 2017. The redistribution has meant that the branch, along with some other local branches, has assessed where they should go in the future, and Gumeracha will no longer be operating as a single branch. However, its members will continue to support the Liberal Party, and I thank them for that.

I want to make some comments on the history of the branch. It was a terrific final meeting held in a terrific atmosphere. I particularly pay tribute to the president, Michael Guthrie, who was the president of the Gumeracha branch and then the Gumeracha Kersbrook branch for a combined 26 years, and Bob Jackson, who served as the secretary and treasurer of the Gumeracha and Gumeracha Kersbrook branches for 21 years. They gave tremendous service to the Liberal Party over that period. Members of parliament, including Roger Goldsworthy, John Olsen and of course the current member for Kavel, Mark Goldsworthy, all appreciated their tremendous support.

At the AGM, particular tribute was paid to stalwarts of the past: June Dick, Nell McGuire, Joan and Don Scanlan, Edna Amber and Milton Checker. I particularly note from Michael Guthrie's president's report of Nell McGuire's sad passing that she was the longest serving member of the Gumeracha branch. She passed away last year in her 99th year, and she was the last surviving member who personally knew Sir Thomas Playford as Premier of South Australia and as the parliamentary member for Gumeracha. I want to quote some of Michael Guthrie's final president's report to give some context to the significant role the branch played not only for the Liberal Party but for the district. Michael wrote:

As written earlier Gumeracha has had a proud parliamentary history having its own parliamentary seat from 1857-1970, one hundred and fifteen years and being a two member seat from 1857 to 1902. It provided South Australia with two Premiers, Sir Arthur Blyth and Sir Thomas Playford and a Speaker to the House of Assembly Robert Dalrymple Ross.

Sir Thomas Playford, the Parliamentary Member for Gumeracha was the longest-serving incumbent holding the seat from 1938-68, 30 years. Sir Thomas was also the longest serving premier of South Australia and also of the

Commonwealth serving for 26 years and 126 days. It could be argued that Sir Thomas is the greatest South Australian and he chose Gumeracha as his Parliamentary Seat.

Gumeracha unfortunately now does not wield the influence that it did in the past. However I would like to propose that we initiate a commemoration of some kind in Gumeracha to acknowledge South Australia's most famous citizen, the State Parliamentary Member for Gumeracha for a record thirty years, Sir Thomas Playford, Premier of South Australia.

The branch acknowledges that its final act before merging with a neighbouring branch will be that the members will work with the Adelaide Hills Council to establish a plaque in honour of Sir Thomas Playford, local member for 30 years in Gumeracha.

As the local member for Morialta, a district which will take in the area of Gumeracha from the next state election, I add my support for that proposal and I look forward to working with members of what was formerly the Gumeracha branch and, hopefully, members of the Adelaide Hills Council, the local councillors being Malcolm Herman and Linda Green in particular, to achieve the commemoration of the significant role that Sir Thomas Playford played in that district. I thank the members of the Gumeracha Kersbrook branch for their ongoing service to the Liberal Party and to the state of South Australia. I acknowledge the significant work done by so many over so many years when it was the Gumeracha branch.

OVARIAN CANCER

Mr VAN HOLST PELLEKAAN (Stuart) (17:35): I take this opportunity to advise the house of an absolutely outstanding fundraiser run in Kapunda recently. It was a community fundraiser to raise money to contribute towards finding a cure for ovarian cancer. Unfortunately, I was not able to attend, but I was able to contribute in another way, and I would like to acknowledge the people from the local community who organised this event. It was extremely well organised, extremely well attended and extremely generously supported. In fact, they raised $52,000 on the night towards finding a cure for and the prevention of ovarian cancer.

I would like to particularly acknowledge the Davidson family from Kapunda, who were very involved in organising and running the night. They were not the only people who did this, but they were certainly central to it. The Davidson family has firsthand experience of ovarian cancer, but it is very important to acknowledge that it was a broad community event. More recently, Ovarian Cancer Australia came to Parliament House, and members from both sides of this chamber, as well as from other parties and some staff, attended a briefing where we all learned a lot about ovarian cancer.

We came with differing levels of knowledge to begin with, but even people who knew more than others learned a lot that day. Probably the most important message for me to take away from that briefing was the positive and the negative that come from the fact that it is possible to identify whether or not a person has the gene that could well lead to that person contracting ovarian cancer. In fact, the reality is that the gene can be passed on from generation to generation, but not only by women. Of course, only women can contract ovarian cancer, but the chance of contracting ovarian cancer can be passed on from generation to generation by both men and women.

All health is personal, but it is patently obvious that diseases and health challenges that affect only men or only women very often become more personal and more difficult to deal with because they are not talked about quite as broadly throughout the community as diseases that affect both men and women. Another interesting feature certainly for me to learn was that one of the great dangers of ovarian cancer is that the symptoms do not necessarily become apparent to the person who has the cancer until the cancer is very well established in the person's body, which is very unfortunate.

Without some sort of genetic testing, often no early detection is available to a person who thinks that they might in all other ways be in good health. That makes that genetic testing even more important because, if there is a history of ovarian cancer in a family, then subsequent generations really do need to be tested, whether or not they have the cancer and whether they are male or female, because they can still pass it on. That then brings us to another very difficult aspect of this cancer. If you find out that you or your partner have the gene, what do you do then with regard to your own personal health and family planning? For obvious reasons that I do not need to go into at the moment, it becomes a very difficult, very sensitive and very challenging issue for people to deal with.

I would like to particularly thank the Davidson family again for coming and joining us in Parliament House that day and sharing their insights with people. We were joined by Annette and Graham and also Megan and Brent. Megan actually addressed the group of MPs and staff who were assembled and shared her very personal story in a positive, clear, well thought out and well-presented way. We heard firsthand, in a really constructive way, how ovarian cancer has affected her family. Also, very importantly, she gave us the information that we needed so that we, as members of parliament, could go about our work constructively contributing to helping the medical profession find ways of dealing with this very important and very invasive disease.

I urge all members of the South Australian parliament to do exactly that: contribute through your work as local MPs, whether through government or opposition, to support medical science find a cure for ovarian cancer, because it is a very important cancer that needs to be dealt with. By virtue of the fact that we can these days test for the gene that carries this cancer, we have a leg in the door already. As members of parliament, please use your efforts in whatever way you can to do exactly that.

At 17:42 the house adjourned until Thursday 18 May 2017 at 10:30.