HOUSE OF ASSEMBLY

Thursday, 28 September 2017

The SPEAKER (Hon. M.J. Atkinson) took the chair at 10:30 and read prayers.

Bills

LIMITATION OF ACTIONS (INSTITUTIONAL CHILD SEXUAL ABUSE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 September 2016.)

The Hon. T.R. KENYON (Newland) (10:34): I move:

That Order of the Day No. 2 be postponed.

The house divided on the motion:

Ayes................20
Noes 14
Majority............6

AYES

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

NOES

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

PAIRS

Bignell, L.W.K.	Speirs, D.	Mullighan, S.C.
Goldsworthy, R.M.	Rau, J.R.	Marshall, S.S.
Weatherill, J.W.	Griffiths, S.P.	

Motion thus carried; order of the day postponed.

ROAD TRAFFIC (HELMETS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 August 2017.)

Mr GARDNER (Morialta) (10:40): I am very pleased to be able to rise today to speak on the Road Traffic (Helmets) Amendment Bill that the member for Schubert has brought forward as the shadow minister for road safety. When a member of the community comes to a member of parliament saying that something the government has done has affected them and impacted on their lives—they have been charged with or fined for an offence—you have to look at the situation presented to you and ask yourself, 'If this was happening down at the pub, would people believe me?' When the member for Schubert was confronted with this situation—that is, people being fined for having a camera on their helmet—I imagine something like that went through his mind.

I think this bill is worthy of the house's serious consideration. In addressing what I think is maybe not an earth-shattering wickedness, but it is a wrong in the legislation, it is clear that there are helmets designed now to be able to take these cameras, and I do not see any reason on earth why we should be prohibiting that. In a free society, you need a reason to stop something, not a reason why something should be allowed. Unfortunately, it appears that is not clear in the legislation, and the member for Schubert has taken steps to address this.

I must say that GoPro technology is very popular in the community at the moment and even very popular in the government. I remember when the member for Light was the minister for correctional services—

Mr Pengilly: For a brief time.

Mr GARDNER: —for a brief time maybe, but he was the minister—I remember there was an estimates hearing at which the minister realised that he would be asked and would have to announce that South Australia had reached a record number of prisoners, hundreds more prisoners than had been budgeted for. The government does not like talking about racking, packing and stacking anymore because they have worked out that it is not a very good way to run a prison system, that it is not very effective and leads to further problems.

But at that time they were racking, packing and stacking 2,700 people. I think in the minister's office the question was, 'How are we going to stop this being in the news?' One of the advisers—and I have a suspicion I know the young man involved, and he is still working somewhere government and good luck to him—came up with this idea: 'Let's put a GoPro on a prison dog so that we can have all the media come and have a look at the prison cells being searched. They don't even need to come because we've got a GoPro on a dog.'

That night, when the TV news came out, there was a story about the prisons and 2,700 prisoners, but it was buried at the back end of the story because there was GoPro on a dog running around the prison cells. It was almost dressed up as a cute story that hid the tremendous and shocking number of people being locked up in cells. The point I make is that this technology is commonplace and it is everyday. It is so commonplace and everyday that even the member for Light, as the minister for corrections, was able to use it. The extension of that to people riding a bicycle preceded even the member for Light's appreciation of the value of a GoPro.

Consequently, the opposition supports this common-sense legislation, which will enhance freedoms in people's lives. As a general point of principle, anything that enhances or extends our freedoms is something the Liberal Party supports, and I am very pleased to support the member for Schubert in his endeavours.

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

CONSTITUTION (ELECTORAL REDISTRIBUTION) (APPEALS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 August 2017.)

The Hon. T.R. KENYON (Newland) (10:44): I move:

That Order of the Day No. 4 be postponed.

The house divided on the motion.

Ayes................21
Noes 15
Majority 6

AYES

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

NOES

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

PAIRS

Bignell, L.W.K.	Speirs, D.	Koutsantonis, A.
Griffiths, S.P.	Mullighan, S.C.	Goldsworthy, R.M.
Weatherill, J.W.	Marshall, S.S.	

Motion thus carried; order of the day postponed.

Motions

NOARLUNGA HOSPITAL

Mr WINGARD (Mitchell) (10:51): I move:

That this house—

(a) acknowledges the critical role that Noarlunga Hospital plays in the delivery of health services to the people of Adelaide's southern suburbs;

(b) notes that, prior to the 2014 state election, the Labor Party promised to invest $31 million in upgrading Noarlunga Hospital but subsequently reduced this funding allocation by more than half; and

(c) recognises the quality and commitment of the front-line staff who work at Noarlunga Hospital and their concern that the government's Transforming Health program is undermining the hospital's long-term future as a general community hospital.

This is another great example of a big promise from the state Labor government and a failure to deliver. We know the failure of Transforming Health, and we know that the government does not like to talk about Transforming Health because South Australians are absolutely sick to the eyeballs of it. This is a very classic example. We know just recently that two ministers have gone in the wake of this Transforming Health fiasco, and I again stress the point that South Australians are absolutely fed up with what is happening.

I have been speaking to my local community about this issue for a long time now and working in conjunction with the Liberal candidate for Hurtle Vale, Aaron Duff. I know that he is also very fed up with the feedback he is getting from people in the southern suburbs about the way Noarlunga Hospital has been treated, the promise that was made and the failure of this government to deliver.

By way of background, Noarlunga Hospital is one of three public hospitals located in SA Health's Southern Adelaide Local Health Network (SALHN). Flinders Medical Centre and the Repatriation General Hospital are the other two. The SALHN delivers public hospital services for more than 350,000 people living in the southern metropolitan area of Adelaide, which is one of the four fastest growing regions in our state, so it really is an important part of South Australia.

Let's have a look at the broken promises from the 2014 state election. Before the 2014 election, Labor promised to spend $31 million on Noarlunga Hospital. That has been cut by more than 60 per cent. I stress the point—massive promise, massive failure to deliver. Labor is now spending just $12 million. They promised $31 million: they are spending just $12 million, mainly to enable Noarlunga Hospital to accept cases from the Repat when it closes. That is why the money has been spent. Money has been spent on Noarlunga Hospital so that it can accept patients when the Repat closes.

The other issue that is also circling there that I want to bring to the house's attention is white ants. It has been reported that white ants were discovered in the roof of the outpatient department of Noarlunga Hospital last year, which will take two to four weeks to fix. They say that there is no significant delay in moving outpatient services from the Repat, but with white ants, who knows? We will keep a close eye on that as well.

I would like to talk about the emergency department. In 2016, the Weatherill government closed 20 per cent of Noarlunga's emergency department treatment bays. They were reduced from 31 to 24. It now has the lowest capacity of any ED in metropolitan Adelaide. Emergency waiting times at Noarlunga Hospital were already below comparative performances with its national peer group. In 2015-16, only 61 per cent of emergency patients were treated within 10 minutes of arrival at the ED of this hospital, compared with the national peer group performance of 77 per cent.

What is happening at Noarlunga is 61 per cent, and on the national scale 77 per cent is the comparison average. Thirty-two per cent of urgent patients were treated within 30 minutes on arrival at the emergency department of this hospital, compared with the national peer group performance of 65 per cent. Again, as South Australia stacks up and as this hospital stacks up, they are way below the national peer group performance.

Ambulances no longer take people to Noarlunga Hospital if their condition is life threatening or they could require a hospital administration. They will go straight past and head to Flinders. The government's own estimate suggests that the average total travel time for Noarlunga patients would more than double, from 11 minutes to 24 minutes, as a result of Transforming Health. In an emergency, those 13 minutes could be the difference between life and death.

No additional emergency bays were opened at Flinders to allow for the increased level of transfers. Only now is the government planning to increase that capacity. The plan was never put in place. They were closing down these emergency beds at Noarlunga and they were not increasing the capacity at Flinders. It has taken a lot of noise to get the government looking at this and moving in that direction.

Transforming Health is hitting the Flinders Medical Centre hard as well; we know that. There has been a dramatic 4.5 per cent decline in patients seen within four hours. But emergency department capability is not enough. The most important thing is patient flow, especially discharging people when they no longer need acute care. In relation to children's emergencies, while the children's area in Noarlunga Hospital's emergency department has been made more child friendly, any child needing emergency or major surgery has to be transferred to Flinders.

Let's also look at hospital services. Under Transforming Health Noarlunga Hospital will no longer be a general community hospital. It will be a regional day surgery centre with a focus on geriatric services. Around half the beds at Noarlunga Hospital will be for geriatric services. No acute or major surgery will be performed at the hospital, and the acute medical ward will be closed. People from the inner southern suburbs will need to travel to Noarlunga for day surgery or for geriatric services. People from the outer southern suburbs will need to travel to Flinders Medical Centre or beyond to get care that requires overnight admission.

In terms of the private hospital closure, under Transforming Health Noarlunga Private Hospital's 26-bed Myles Ward will be closed and its 15 single-bed rooms will be used for elderly

patients currently accommodated at the Repat. The closure of the private hospital will disadvantage southern residents who would prefer to stay in a private hospital closer to their home. We can see that the south is really being hit hard. This closure of the private hospital is just to allow the Repat patients to go down there because of the closure of the Repat.

In relation to the southern hospital networks, before the 2014 election Labor also promised that it would never ever close the Repat. Labor now plans to close it by the end of the year. We know the uproar that that has caused. The Repat hospital has handled 87 per cent of the urology elective surgery operations and 62 per cent of the orthopaedic elective surgery operations undertaken in the southern network.

More than two years after the government announced that it would close the Repat, it is still not clear where and how some of its specialty services will be accommodated. It is still not clear where those urology and orthopaedic elective surgeries, which the Repat was doing a very large majority of, will go. We know that people are up in arms about this lack of planning and this lack of foresight from this state Labor government, all under the Transforming Health banner. SA Health is planning to lose 117 inpatient beds and 240 front-line hospital staff positions. That is a major hit to the hospitals in the southern networks.

The recent crisis across our emergency departments is further evidence that Adelaide's hospital network is not ready and will be unable to cope with the closure of the Repat. Disappointingly, on the other side of the chamber I hear nothing from the member for Elder and the member for Fisher, who have stood by as the closure of the Repat has happened. This lack of delivery on a promise on Noarlunga Hospital has been allowed to go through. This state Labor government promises plenty but fails to deliver for the people of South Australia, more specifically in this case the people of the southern suburbs.

The state Liberal team have been very clear on our position on the Repatriation General Hospital and have announced plans to ensure that a genuine health precinct continues to operate on the site of the Repat hospital. We think that is very important. If elected in March 2018, we will issue a ministerial development plan amendment that will zone the site for healthcare services. That is what we want to see if we are elected in March 2018. We will also take further action to maintain the Daw Park site as a genuine health precinct by ensuring that SA Health works with ACH or any future owner of the site to explore best use and best value services in the health precinct, including SA Health public health services.

Our position on Noarlunga Hospital is that the state Liberal team does not support the closure of the Repat or the downgrading of the Noarlunga ED. We believe in a network of fully equipped emergency departments and general community hospitals. As the 2018 general election approaches and it becomes clear what can be salvaged, we will outline our plans for Noarlunga Hospital, but it is clear that now is the time to save Noarlunga Hospital. It is incredibly disappointing that this has been allowed to happen.

As I pointed out from the get-go, before the 2014 state election the bottom line and the big figure number that the Labor government promised to spend on Noarlunga Hospital was $31 million, yet that has been cut, as I said, by more than 60 per cent. Only $12 million is actually being spent on this hospital. That is a great example of how this government operate and what they do and the way they treat, in particular, in this case, the people of the south.

As I mentioned, as I doorknock people say that they have an affinity with Noarlunga Hospital. It is in their local region, but they know that if they go in an ambulance and they have to go to an emergency department and potentially stay overnight in hospital, the ambulance will take them straight past Noarlunga Hospital and take them to Flinders. People of the southern suburbs are left scratching their head about this, and I can understand why.

As I said, working with Aaron Duff and being out in the suburbs and doorknocking and engaging with the community, as I have over a long period of time, I know that people are sick of being treated like fools—being told before the election, 'We will spend $31 million to upgrade Noarlunga Hospital,' and then finding out, in the cool, hard reality of day, that they are only spending $12 million, and that is so they can relocate patients from the Repat hospital, which, before the election, the government had said they would keep open. At no stage before the by-elections did

they come out and say that they would close the Repat. In Fisher, as well, the government kept that very secret.

In fact, the other day we heard the Premier saying that the Repat is not closing and that he is just moving services. As I have pointed out here today, where those services are being moved is still very much up in the air. People do not really know. Urology is a key case in point: the Repat does a lot of work with urology patients, and the government cannot tell us where all that work is going to happen. Sadly, this is what South Australians have become accustomed to, with this state Labor government under the current Premier. They promise and they talk up a really big game and then spin their way out of it.

To know that the Repat is closing, yet to have the Premier go on the radio and say, 'No, it's not closing,' is probably as big a spin as I have ever heard. We know that the Treasurer is big on spin at every possible turn when it comes to electricity in South Australia, given the fact that we have the highest priced electricity in the nation under his watch and that they have blown up power stations that are there to supply affordable and reliable electricity to our state, and this, under the ideology of getting wind power and solar power that does not have consistency of supply. We know all that and we hear the Treasurer spin around that, but this one from the Premier, saying that he has not closed the Repat, is just absolutely beyond belief.

I know it has been a hot topic on radio stations right around Adelaide. I really shudder when I hear these sorts of things from the Premier. We know that the Repat is closing. It is going to be closed by the end of the year. That is what this state Labor government wants to do to South Australia. We can see from these numbers how much of an impact that is going to have on the South Australian people, especially, again, the people of the south. These are people who are often overlooked in projects, and I have outlined a number of those in this place on plenty of occasions across the time.

When it comes to health, though, this is something that is vitally important for our region. This so-called promise to upgrade Noarlunga Hospital has not happened. In fact, the $31 million that was promised was actually reduced by 60 per cent and now only $12 million is being spent. Those numbers need to be reiterated, because it is a massive reduction in a commitment made before an election.

It is funny how this state Labor government has a history of doing that. Again, before the Fisher by-election they did not talk about closing the Repat, and then after that election here we are, the Repat is closing and no South Australians knew about it. Not to mention the fact that over time this state Labor government has said, 'We will never ever close the Repat,' a gift from the federal government as well.

That is why our push is to make this a health precinct. We want to do all we can to salvage that. The big fear is that there will be nothing left to salvage post the end of this year as the government moves forward in closing down the Repat and the services that are offered. The questions remain: where will these services go, and how will the people of the south get these services and be looked after in this area?

Urology is one that I talked about. When I doorknock the people all around the southern region, they know that if it is Noarlunga now what is going to happen to Flinders in the future. Why should they go straight past Noarlunga Hospital, the hospital they know, the general community hospital that is there for them and where they have had comfort and known that they will have the services that they need? Now, when it comes to emergency situations, they will be bypassed and they will head to Flinders.

This motion outlines what this government is about and what they do and how. Before an election, they make one promise, but after an election they fail to deliver. They need to be called to account henceforth. I recommend this motion to the house.

Ms COOK (Fisher) (11:06): I think it is no surprise that we are opposing this motion from a government point of view. Noarlunga Hospital is here to stay. Since 2014, the state government has invested $12 million in upgrading and improving its facilities. The now completed capital works at Noarlunga Hospital have transformed it into a dedicated elective day and 23-hour surgery hub for the southern suburbs, which will continue to provide high-quality health care to its patients.

Recently completed upgrades include the new day surgery unit, two new state-of-the-art operating theatres and a first-stage surgery recovery area. This means Noarlunga Hospital now has four theatres dedicated to day and 23-hour surgery and two that are dedicated to scopes. We have also seen an increase from eight to 12 chairs in the second-stage surgery recovery area. These upgrades will see the number of elective surgery procedures provided at the hospital nearly double, enabling more people in the southern suburbs to receive day surgery closer to home.

We know that cancellation of surgery causes a lot of anxiety, not just to people within the metropolitan area, but particularly people from rural areas who come to access the high technological procedures that are delivered in our hospitals. If members opposite would like at any point to talk about the process by which surgery happens in our hospitals and the reasons for many of the cancellations, the flow of patients through the hospital and how having the dedicated day and 23-hour surgery units will improve this flow, I would be very happy to spend time talking to them about that and bringing them up to speed.

Mr Pengilly: You're not the minister.

The ACTING SPEAKER (Mr Odenwalder): Order!

Ms COOK: I would be happy to talk at any time. The new purpose-built renal dialysis unit opened at Noarlunga Hospital early last year and is providing improved care for dialysis patients from the southern suburbs. The unit provides around 5,000 dialysis treatments each year. The community emergency department at Noarlunga Hospital, staffed by doctors and nurses, continues to provide emergency care to the local community, including paediatric emergency care, 24 hours a day, seven days a week.

As happens now, any patient who self-presents to the emergency department will be assessed and treated by a clinician, with a large majority of patients being discharged to home. If a patient requires complex or life-saving care they will be stabilised and transferred to another public hospital, like the Flinders Medical Centre. Patients will not pay for this ambulance transfer, and this is no different to what has been going on in the past few decades at Noarlunga Hospital. There is no change.

We have also seen the construction of dedicated spaces for children and their families in the emergency department so that children feel more comfortable in a hospital setting. Noarlunga Hospital will continue to provide mental health and outpatient services as well as subacute inpatient services, with a focus on older people. In fact, while there will be a different profile of beds at Noarlunga Hospital there will not be less beds. There will be nearly 50 subacute inpatient beds for public patients, depending on demand at any given time, with a focus on older people. Noarlunga Hospital will continue to provide public mental health inpatient services and the number of these beds is unchanged.

Further, outpatient clinics will continue, with the range of services offered expanding at Noarlunga Hospital and at Noarlunga GP Plus. Cardiology and respiratory clinics have recently transitioned to Noarlunga GP Plus and other outpatient clinics, including gastroenterology and associated dietetics, general surgery and plastic surgery, with associated hand therapy, will commence at Noarlunga Hospital from early October 2017—so we are looking forward to seeing this happen only next week. An increase in chairs in the day infusion suite is also planned, from three to nine chairs, ensuring more treatment for the southern suburbs residents who require blood transfusions closer to home.

In May this year, an open day was held at Noarlunga Hospital, which was very successful. It attracted over 500 members of the public, all of those pretty much from the southern suburbs community. It provided them with the opportunity to see some of the new features of the hospital and talk first-hand with staff about the changes. The overwhelming positive feedback received on the day showed that people were very impressed with the upgrade and the investment at Noarlunga Hospital.

I have personally spoken to a number of people from the southern community who congratulated us on the work we have done at Noarlunga Hospital, and who were very surprised to actually see the upgrades that were happening and the improvements at Noarlunga Hospital,

because they had been told by members of the opposition team that Noarlunga was closed. They were most surprised to see it open and how good it was looking.

The opposition should be reminded that the previous commitment of $31 million for Noarlunga Hospital was suspended with the federal Liberal government's cruel announcement in 2014 that it would cut a massive $655 million in health funding. At that time funding for a number of planned infrastructure investments was set aside in a Health Capital Reconfiguration Fund while the state government reassessed its investments in light of the devastating federal cuts. This fund was quarantined.

Based on subsequent clinical service planning, which considered projected population health needs, the fund supported more than $260 million in significant upgrades and new facilities across the metropolitan hospitals, including Noarlunga Hospital, announced in early 2015. This included $185.5 million to build new, state-of-the-art facilities and improve and upgrade facilities at the Flinders Medical Centre. As members know, the Flinders Medical Centre and Noarlunga Hospital complement each other, ensuring residents from southern Adelaide have access to a full range of public hospital services 24 hours a day, seven days a week.

Flinders Medical Centre provides care for patients with complex and acute medical conditions who need admission to hospital, as it is fully equipped with specialty technology and diagnostic and support services, as well as a wide range of specialties. Services have been reconfigured across both hospitals to ensure they are providing the right place for our patients, leading to improved patient outcomes.

We have recently announced a further $3.5 million investment in two extra operating theatres at the Flinders Medical Centre as well as an additional $3 million to expand the emergency department with 12 additional cubicles. This will provide world-class emergency and surgical care for the growing southern suburbs. On Sunday, I accompanied the new Minister for Health in the other place, minister Peter Malinauskas, on a tour of several of these areas within the Flinders Medical Centre, and the staff were very happy to share—

Members interjecting:

Ms COOK: —the benefits of the upgrades and the changes that were happening in terms of patient flow and the ability to provide world-class care.

The DEPUTY SPEAKER: Member for Fisher, sit down. I would like to remind members of the standing orders. This is the first week of televised proceedings. Just so that everyone understands, members on their feet are entitled to be heard in silence. That courtesy will be extended to every member. I would ask members on my left particularly to observe the standing orders.

Ms COOK: Thank you, Deputy Speaker. I think some people cannot handle the truth. The brand-new $5.3 million SA Ambulance Service station at Noarlunga became fully operational in September 2016 and serves as the regional headquarters for the south, with capacity for more than 50 staff and up to 18 ambulance vehicles. We are investing $15 million to hire 72 additional paramedics and support staff and to expand our ambulance fleet by 12 vehicles. Many of these new staff have recently started internships, and I am very pleased to see that. Congratulations to all of them.

The state government absolutely recognises the quality and commitment of the front-line staff who work at Noarlunga Hospital. Many of them are my friends. They work hard every day to serve the southern community. They are very proud of the work they do and very disappointed to hear all the negativity about the healthcare system. Noarlunga Hospital continues to be a very important part of our health system, providing modern and world-class health care.

Our southern community can be confident that they will continue to receive the high standard of health care they deserve. While the member for Reynell, the member for Kaurna and the member for Mawson and I are in this place, along with the member for Elder, they will have a voice that is very loud and very direct between the clinicians and the residents of the south and the government.

The DEPUTY SPEAKER: The member for Davenport wishes to be heard.

Mr DULUK (Davenport) (11:16): Thank you, Madam Independent Deputy Speaker—

The DEPUTY SPEAKER: No, that is out of order.

Mr DULUK: I would like to make a few comments in relation to the very good motion moved by the member for Mitchell. Listening to the contribution of those opposite, it certainly sounds like a government-paid ad for the next state election because the reality is that what this government has done to health services in the south is an absolute disgrace. It has trashed wonderful services in the south—services used by over 350,000 people per year between Noarlunga, Flinders and what of course was the Repat, which is going.

Ladies and gentlemen of South Australia, you should not believe anything this government says in regard to health. At the last election, they promised to spend $31 million on Noarlunga Hospital. That has not been spent at all, and apparently residents of the south have to be grateful for a $12 million upgrade. For years, the mantra of the government opposite has been, 'We'll never close the Repat.' That has been closed by this government.

We have seen for two elections in a row the government commit funding to upgrading The QEH hospital. We have not seen that investment. We have seen promises from the government, Deputy Speaker, for the hospital in your patch, the Modbury Hospital, and we have seen those over the years never come to fruition. So in the lead-up to an election—and we have an election less than six months away—we see the government come out and make all these promises for what they will spend on capital investment in hospitals in communities, and by hook or by crook, the day after the election, they scrap those plans and say that it is all too hard and they do not come through with their promises.

People of South Australia, people of the south, people in the new electorate of Hurtle Vale, do not listen to the Labor Party. Do not listen to the government: look at their record. Do not look at their words: look at their action. Their action is constantly one of let-down and disappointment when it comes to looking after the health needs of South Australians in the south.

As I said, before the 2014 election Labor promised to spend $31 million on Noarlunga Hospital. That promise has been cut by more than 60 per cent and Labor is now spending $12 million, mainly to enable Noarlunga to accept cases, essentially, to cover the closure of the Repat. Essentially, the government is white-anting services at Noarlunga, not improving them, and that is the problem with this government.

In 2016, the Weatherill government closed 20 per cent of Noarlunga's emergency department treatment bays. They are down from 31 to 24. It now has the lowest capacity of any emergency department in metropolitan Adelaide. If you believe the member for Fisher's contribution, you would think it was the busiest emergency department in the state with the greatest number of available services to treat South Australians. In fact, it is quite the opposite: it is the lowest performing ED in South Australia in terms of capacity. Emergency waiting times at Noarlunga were already below comparative performances with its national peer group in 2015-16.

Only 61 per cent of emergency patients were treated within 10 minutes of arrival at the Noarlunga ED, compared with the national peer group performance of 77 per cent, and 32 per cent of urgent patients were treated within 30 minutes of arrival at the emergency department of this hospital, compared with its national peer group performance of 65 per cent. So I say to the government: what are you actually doing to improve the turnaround times for people living in the southern healthcare network and using the services of Noarlunga?

Ambulances no longer take people to Noarlunga Hospital if their condition is life threatening or they could require hospital admission. They have to go to the Flinders Medical Centre, the crowded footprint that is the Flinders Medical Centre. The government's own estimate suggests that the average total travel times for Noarlunga patients will more than double, from 11 minutes to 24 minutes, as a result of Transforming Health or, as we like to call it, Trashing Health.

You will notice, Deputy Speaker, that over the next six months you will not see this government refer to Transforming Health. That has been dust binned: minister Snelling got the knife, the member for Taylor got the knife, we got the new slick future leader of the Labor Party, the Hon. Peter Malinauskas, coming out with his soft, dulcet tones trying to sell health. We have two nurse

clinicians promoted to the front bench, and you will find that there is no more Transforming Health on the Labor Party's agenda.

Mr Pengilly: Former.

Mr DULUK: Former. Transforming Heath does not exist—it never existed, it was just made up—because we are in the last six months of an election campaign and they know how toxic it was. That is the hypocrisy of the Labor Party and all those members opposite, their hypocrisy on this whole issue.

Where were they when Transforming Health was being initiated? They were nowhere to be seen. They allowed these huge cuts to be on the agenda, they allowed the Repat to be closed and they allowed the degradation of services at community hospitals. They have seen the absolute annihilation of Country Health: 'Oh, six months out from election, better get rid of that, get a new minister, everything's hunky dory. Do sweetheart deals, do press conferences at Modbury Hospital, do press conferences at Flinders Medical Centre every other week to try to con the people of South Australia.' The people of South Australia are not stupid: they know what is going on.

When I am doorknocking with the member for Mitchell—we have been doing a lot of work with Aaron Duff, who is our candidate in Hurtle Vale—we hear what the people of Woodcroft are saying. We know they are sick to death of lies with regard to Transforming Health and what they are doing in relation to the cutting of services. When I am out with the candidate for Davenport in Aberfoyle Park and Happy Valley, the Repat, and the closure of those services, is mentioned time and again. People know that the Labor government has led them up a garden path, and they are not going to buy their rubbish anymore.

Under Transforming Health, Noarlunga Hospital will no longer be a general community hospital. It will be a regional day surgery centre with a strong focus on geriatric services. Around half of all beds at Noarlunga Hospital will be for geriatric services. No acute or major surgery will be performed at the hospital and the acute medical ward will be closed. People from the inner southern suburbs will need to travel to Noarlunga for day surgery or for geriatric services. People from the outer southern suburbs will need to travel to Flinders Medical Centre or beyond to get care that requires overnight admission.

The way the government has focused health care in the south is completely at odds with the growth of population in the south. We are seeing increasing population growth beyond Noarlunga, through Seaford and Aldinga, and at the same time we are ensuring that the people who are moving into those growth areas will not be able to access proper healthcare services at their nearest metropolitan hospital. They will have to travel further to the Flinders Medical Centre. Of course, those in my community in the inner south, who have a strong affiliation with the Repat Hospital, will no longer be able to access those services.

Under Transforming Health, Noarlunga's private hospital 26-bed Myles ward is being closed, and it is now a 15 single-bed room used for elderly patients currently accommodated at the Repat. The reality is that we are not seeing improved services for residents of the south; we are just seeing services being transferred from one site to another. I suppose that sits very well with the Premier's analogy of what is happening at the Repat: 'We're not closing the Repat, no. It's essentially staying open. You just have to go somewhere else.' It is a bit like saying, 'We're still making Holdens in South Australia. You just have to buy one from Claridge,' but of course it was imported from overseas. That is the same argument that the government is using.

Before the 2014 election, Labor also promised that it would never, ever close the Repat. As you know, Deputy Speaker, now Labor plans to close it by the end of the year. The Repat hospital has handled 80 per cent of urology elective surgery operations and 62 per cent of orthopaedic elective surgery operations undertaken in SALHN. More than two years after the government announced that it would close the Repat, it is still not clear where and how some of these services will be accommodated.

SA Health is planning to lose 117 inpatient beds and 240 front-line hospital staff positions across SALHN. I notice that was not included by the member for Fisher in her contribution this morning—240 hospital staff positions will be gone across SALHN. They are colleagues she has worked with, disappeared because of this government's decisions. The recent crisis across our

emergency departments is further evidence that Adelaide's hospital network is not ready for and will be unable to cope with the closure of the Repat.

Of course, for members of our community there is an alternative, that is, the election of a Marshall Liberal government, a Marshall Liberal government that actually does care about community hospitals and community health. Whether it be in Port Lincoln, in Victor Harbor, or at the Repat, or in Murray Bridge, we do care about community health and we understand that it is important. Deputy Speaker, I know that in your community we announced a very strong policy in relation to ensuring that Modbury Hospital remains a very much loved and serviceable and usable community hospital and, of course, we have plans for the Repat site as well because we want to ensure that it remains a genuine health precinct and that health services continue to operate on that site.

If elected in March 2018, we will amend the DPA for the zoning of the Repat. We will also take further action to retain that Daw Park site as a genuine health precinct by ensuring that SA Health works with ACH to explore the best use, best value services in the health precinct, including SA Health public health services. This is in stark contrast to the government: it wants to see it closed, it wants to flog off the site, it wants to sell it for housing and it wants to close Pasadena High. This government is all about closing and privatisation. That is the mantra of this Labor government at the moment. South Australians need a new alternative. They need a Marshall Liberal government to ensure that services remain where people want them.

Mr PEDERICK (Hammond) (11:26): I rise to support this motion by the member for Mitchell in support of the critical health services at Noarlunga Hospital, acknowledging the vital services those staff provide and the contributions they make at Noarlunga , expressing the fear they have of what is happening with Transforming Health but also acknowledging the cuts Labor has made in bringing the funding for Noarlunga Hospital from $31 million down to around $12 million. This goes on and on with health in this state.

We have seen the third most expensive build in the world with the $2.4 billion new Royal Adelaide Hospital, and what do we see when it opens? Sheer chaos—not enough instruments, not enough sterilisation. The RAH-bots are not roaring up and down the corridors, nor are they running into each other. They have their own little corridors behind the walls to deliver the food. We know that the hospital was not ready for the move. It needed to be delayed so that procedures could be put in place so that the hospital could function appropriately.

We also know that, even after the state Labor Party and the Premier proudly announced that they would not be closing down any health facilities in this state, they have presided over the closure of the Repatriation General Hospital in Daw Park and this is outrageous. We saw Vietnam veterans and other veterans campaigning on the steps of this place—

An honourable member: They are still campaigning.

Mr PEDERICK: —yes, they are still campaigning—for many hundreds of days. For well over 100 days they camped out the front of this place, and good on them for making a point, these servicemen who served our state and our country—to think that the federal government were in charge of the Repat hospital and essentially gifted it to the state and now it has been thrown away as if it is something we do not want.

The most bizarre thing in the conversation around the Repat hospital is the fact that I have been told that it was the former health minister's idea to centralise services more in South Australia, but what he really meant was that he was centralising services in Adelaide. Essentially, for all those veterans who live outside Adelaide the Repat hospital was exactly fine where it was. There was no reason to shift it. There were many excellent wards and services in place at the Repatriation General Hospital. I was a patient there myself and there was excellent service by the staff there. Again, we see Labor come over the top and decide, 'Oh, no, we don't like that. We'll just close it off as part of our Transforming Health program and kill it off.'

How well has Transforming Health gone? It has gone nowhere. It is an absolute disgrace that with three years of work in the most budget-heavy portfolio in this state—which takes at least 30 to 35 per cent of the funding of the whole state budget—on a political whim a decision was made

within 24 hours without even consulting health professionals to trash Transforming Health or at least that section of it. We do not know whether other bits of Transforming Health will go on and, really, what can you believe will go on?

We have seen the excellent work of the Hon. Stephen Wade in the other place. He saw two ministers off—great work. That was because of the chaos inside health, the chaos in moving to the new Royal Adelaide Hospital and the chaos in mental health and older persons facilities, like Oakden. We have seen political opportunism in regard to the dumping of Transforming Health, which was chaotic. It would essentially see patients, who were perhaps suffering from a stroke, taken by paramedics somewhere on a weekday, only to find when they rolled down the chart on the back door of the ambulance that the specialist was somewhere else. It was a disaster waiting to happen. The only good thing about dumping the Transforming Health plan is that it has been dumped.

What we have seen, and obviously with some internal polling and focus groups within the Labor Party, is that this was all trash. It was Trashing Health. So all of a sudden they have panicked: 'We have to put these services back. We have to put them back in the Lyell McEwin. We have to put them back in The Queen Elizabeth Hospital. We have to make sure we have the front-line services we need in the new Royal Adelaide Hospital.' And look at the politics out at Modbury with the Deputy Speaker: she has seen off Jack Snelling, the member for Playford. It is interesting how Modbury has played out and how the politics has played out in that area. We have seen a big scalp go in regard to Modbury Hospital.

We on this side of the house support Modbury Hospital. We support all the hospitals throughout South Australia. It is just outrageous that you have a government that flips and flops on health policy, as we see here with Noarlunga, where they just cut funding from $31 million to $12 million for the good people of the southern suburbs. Others who are in that area may be caught up in an accident. Anyone could be caught up and need to attend that hospital. Sadly, as we have heard from speakers today, those services have been cut. They have been decimated as part of this government's program in regard to Transforming Health.

The problem we have, as indicated yesterday when we were talking about country health issues in this place, is that a lot of health people love to speak up. A lot of those front-line nurses and practitioners would love to have a lot more information come out and would love to give us more information, but they are absolutely threatened with their jobs. What sort of society do we live in where people cannot speak freely? We on this side of the house are about free speech. We are about the right to stand up for your rights. But if you work in the health system, if you say anything out of place, you are gone. You are out of it. You will be sacked if you bring up anything that is going on.

Look at the chaos that is EPAS, the electronic recording system that is being rolled out in health in South Australia. What a disaster that is. It is heading towards costing the same amount of money that it cost to build Adelaide Oval. I find that confronting. It is heading to over half a billion dollars. After spending all this bad money, I reckon I would be pulling the pin, but I am told that there is so much bad money being spent that we will just keep funding dollars into this program that just is not working.

It has not worked at the Repat, it has not worked at Port Augusta, and guess what? In the new Royal Adelaide Hospital—the third most expensive build in the world—it is not in place. The floors of the new Royal Adelaide Hospital were not built strong enough to carry paper records. Well, what are we going to do? Punch all the records into our iPhones as we walk between wards and beds in the hospital? It is outrageous!

I have been informed that the targeting of the proposed date for the EPAS rollout in the Royal Adelaide Hospital is March next year—funny about that. It might happen just before the election, but do not hold your breath. In the meantime, there are some bunkers or containers somewhere. We will employ a heap of couriers, I guess, and they will be running between these bunkers or these containers bringing the records to and fro from the third most expensive building in the world, which is just not operating efficiently because they do not even have the record-keeping system in a way that will work.

This is the disaster that is happening in health in this state and it is affecting hospitals right across this state. What faith can country hospitals have? What faith can they have in a system when you have a Labor government that just flips and flops. They take no notice of the country anyway, and we know that. The Premier has made that point himself. He said, 'Well, there's no votes in it, so who cares?' He said the same thing when they knocked back $25 million for the diversification fund for the River Murray, so why would they care about the $150 million backlog in maintenance upgrades in country health? Why would they care? It is outrageous.

As a local member, when you have an official visit with a health minister, they go through all these protocols so that everything is nice for you to see, but when you live in a community you visit these hospitals because either your child has had an accident or you need some health care and you just go there anyway and see what is going on.

The motion of the member for Mitchell has my full support. All he wants, and all we on this side of the house want, is appropriate health care for the people of the south and the people who are traveling through the south and need emergency health care at Noarlunga Hospital. We are here also to support the good staff at that hospital who are frustrated at the chaos they are involved in and also frustrated that they cannot speak out because they are in fear for their jobs.

Mr WINGARD (Mitchell) (11:36): I rise to close the debate and sum up some of the comments that were made. First, I will look at some of the comments made by the member for Fisher. Let's have a look at what she did say, and I quote, 'Noarlunga Hospital is here to stay.' We remember past quotes from the South Australian Labor government saying that they will never close the Repat hospital. We have quotes saying that Noarlunga Hospital is here to stay and they mirror up with quotes saying that the Repat hospital will never close, and we know that this state Labor government is closing the Repat hospital. It is very interesting that we come out and make these big, bold statements.

She went on to say that Noarlunga Hospital was a surgery hub for day surgery and 23-hour surgery. Heaven forbid if your surgery goes for 24 hours or 25 hours; it is no good for you. It is a 23-hour surgery hospital. There are eight to 12 chairs for elective surgery as well. They were some of the things that she did say, but let's have a look at what the member for Fisher did not say and some of the facts about Transforming Health.

I did notice that she did not mention Transforming Health. She had previously been a champion for Transforming Health, but you will not hear anyone on the other side of this chamber talk about Transforming Health because of its failures and because the people of South Australia know that Transforming Health is a failure and a dog. Noarlunga Hospital is just one case in point, in terms of Transforming Health's failure being exposed.

What the member for Fisher also did not say is that Noarlunga Hospital will no longer be a general community hospital. She talked about the 23-hour surgery and the restrictions there, but she did not say that it will no longer be a general community hospital. It will be a regional day surgery centre with a strong focus on geriatric services. Around half the beds at Noarlunga Hospital will be for geriatric services.

She also did not say that no acute or major surgery will be performed at the hospital. The member for Fisher did not mention that. She did not mention that the acute medical ward will be closed. She also failed to mention that people from the inner southern suburbs who need to travel to Noarlunga for day surgery or geriatric services will be bypassed and sent on to the Flinders Medical Centre if they have a major issue or a major problem. The member for Fisher really did add a lot of spin to what is going on here, much like the Premier does and much like the Premier did the other day when he said that the Repat is not closing. It is disappointing to see what this government does.

Fundamentally, as I mentioned from the outset and as this motion mentions, the government promised to invest $31 million in Noarlunga Hospital and that has now been downgraded to $12 million—a 60 per cent cut in the commitment that this state Labor government made. They will blame everyone else, but I think the South Australian public is sick of the blame game. They are sick of the spin and the rhetoric that comes from this state Labor government.

Another thing that the member for Fisher failed to mention in her speech was the Repat hospital, which fits in this southern network of hospitals—Noarlunga, the Repat and Flinders all working together, servicing 350,000 South Australians in the south. There was not one mention of the Repat closing and not one mention of the services going from that site. The government, those on the other side, the state Labor Party, do not like to talk about Transforming Health or closing the Repat, but they are the facts; that is what is happening.

I would like to commend the member for Davenport for the very good point he made in his speech. He spoke about the big rhetoric from the government on the other side—the big promises and the small outcomes. This is just one example of what they do so often. As the member for Davenport said, 'Don't look at SA Labor's words, look at their actions.' That could not be more true in this case: a $31 million promise has been diluted down to a $12 million outcome—a 60 per cent cut for the people of the south, centred around Noarlunga Hospital.

The member for Hammond spoke about the wonderful work of the people on the front line, which we on this side of the chamber feel strongly about and which is so vitally important in our health service area. This state Labor government wants to cut those front-line numbers and services at Noarlunga Hospital. That is not what we on this side of the house are about, and I commend the member for Hammond for the wonderful points he made.

Modbury Hospital was touched on briefly, and I know that you, Deputy Speaker, are very passionate about this as well. We have seen the backflips that have come about from the pressure we have put on the government. You too, Deputy Speaker, have been involved in putting that pressure on the government and I commend you for it. This government promises one thing but delivers very little when it comes to outcomes. The South Australian public is awake to it and aware of it and I think they have had a gutful. I commend the motion to the house.

The house divided on the motion:

Ayes 16
Noes................ 20
Majority............ 4

AYES

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

NOES

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

PAIRS

Goldsworthy, R.M.	Mullighan, S.C.	Griffiths, S.P.
Bignell, L.W.K.	Knoll, S.K.	Rau, J.R.
Speirs, D.	Weatherill, J.W.	

Motion thus negatived.

WORLD TEACHERS' DAY

Ms COOK (Fisher) (11:47): I move:

That this house—

(a) celebrates World Teachers' Day held annually on 5 October; and

(b) acknowledges the vital and inspirational role that teachers play in providing quality education in a range of settings and to a diverse range of community members.

I move today to celebrate the incredibly important role that teachers play in each of our lives and, indeed, the lives of every South Australian. We each have fond memories of those teachers from our own schooling who inspired and drove us to further ourselves, to try new things and to grow and to learn. Of course, many of us in this place and beyond also have children in school and younger relatives and dear friends with children. My little son, Sid, will soon begin his school journey when he starts reception in 2018. We are so excited for him. I know the critical influence teachers will have on his life as he continues to grow into a young man, challenging him and inspiring him.

Of course, we cannot forget the many teachers whom each day in this place we represent. Teachers are often held to a higher standard. They are asked to do more with less and are tasked with caring for others as their lifelong vocation. World Teachers' Day helps to celebrate the important role that our teachers play in the community. However, we cannot forget that teachers are people first. Teachers have their own families, their own commitments and their own problems. Unlike many of us, certainly in this place, we ask teachers to put aside all of this and focus on delivering the best possible education to every South Australian child.

We are all indebted to the teachers in our schools, teachers in our state—from Adelaide High to as far away as Coober Pedy Area School, Oodnadatta Aboriginal School and the Anangu schools on the Aboriginal lands, teachers in schools supporting those living with a disability and also living with social disadvantage, as well as teachers in schools specialising in music, STEM, trades, training and vocational education—to every teacher in every classroom.

We celebrate World Teachers' Day this 5 October in recognition of the special intergovernmental UNESCO conference of 1966, which saw the joint signing of the UNESCO and International Labour Organisation recommendation concerning the status of teachers. The recommendation outlined the important rights and responsibilities of teachers and is celebrated in over 100 nations. The 1966 acceptance of this recommendation is now considered a critical set of guidelines in promoting the status of teachers as gatekeepers of quality education.

As well as schools, I know that a number of organisations and institutions will be participating in World Teachers' Day celebrations, and I congratulate the University of South Australia, Flinders and Adelaide universities and the World Education Forum on promoting and rewarding excellence in teaching across South Australia.

I am continually in awe of the commitment and dedication of teachers from across my local community. Bear with me while I mention all of the schools in my area, including Aberfoyle Park R-7; Aberfoyle Park High School; Clarendon Primary School; Southern Vales Christian College; Coorara Primary School; Reynella East College CPC-12; Wirreanda Secondary School; Reynella Primary School; Morphett Vale East Primary School; Pimpala Primary School; Happy Valley Primary School; Braeview Primary School R-7 and Our Saviour Lutheran School.

There is also Sunrise Christian School; Prescott College Southern; Emmaus and Antonio Catholic schools; the campus school, a unique set-up, with three different schools on the one campus, being School of the Nativity, Pilgrim School and Thiele Primary School; and, of course, Woodcraft Primary School, which yesterday celebrated its 25th anniversary. It was a fantastic event where I was privileged to cut the cake with principal Kristian Mundy, our Mayor of Onkaparinga, Lorraine Rosenberg, and old scholar-cum-Paralympic gold medallist, Brayden Davidson.

I take great joy in attending governing council meetings and community gatherings to hear firsthand of the work our teachers are investing in the young people of our community. Recently, Craigburn Primary School, celebrating Do It In A Dress day, have found themselves on the receiving end of some open criticism by Senator Cory Bernardi and then raised over $275,000 for young girls

in Africa so that they receive a better life through schooling. It is a fantastic achievement, and I thank those at Craigburn Primary School for their efforts, particularly the students, who, with this initiative of student voice, came up with the idea to raise some money—$900 I think was their target—for young children in Africa so that they have a better chance at life. A fantastic idea.

I would also like to thank the teachers who influenced my life in one way or another. Flaxmill Primary School and Mitcham Girls High School were the two schools I attended. I feel very lucky to have attended these excellent public schools, and I also feel very lucky to have had such a consistent and uninterrupted schooling through attending just two schools: one primary and one high school. Many young people in our community are not so fortunate.

As Malala Yousafzai is quoted as saying, 'One child, one teacher, one book, one pen can change the world.' Here today, I would like to thank the teachers of South Australia, as the arbiters of knowledge and the gatekeepers of wisdom, and more broadly teachers across our world for the wonderful job they do day in day out and to dedicate World Teachers' Day to them. I commend this motion to the house.

Mr WHETSTONE (Chaffey) (11:53): I rise today to speak on the motion put forward to celebrate World Teachers' Day, which is held annually on 5 October. Obviously, teachers play an extremely important role in our communities, educating our future generations and being vital contributors to society. Educators frequently share that teaching is the most difficult job that anyone can have but that it is also the most rewarding.

I guess if I reflect back to only a couple of years ago, when I was at school, it was just a great experience, meeting friends for life; it is also the influence that particularly some teachers have on a student's life that follows you for the rest of your days. I attended Paringa Park Primary School at North Brighton—a great school—and then I attended Henley High—another great school. They presented many opportunities to me.

I reflect on what one of my teachers, Roger Rowe, my tech teacher at Henley High, said to me when I am speaking to school students. He was a great mentor to me, not only at school but outside of school, and what he gave me still resonates in some of my values today. We talked often about life after school and he always prompted me to think and have a vision for when I had left school, and that is something I always did. But one day he came to me and said, 'It's time, Tim,' and he gave me a reference and off I went. I applied for an apprenticeship at GMH, got the apprenticeship and never looked back.

Leaving school was probably one of the greatest days of my life, because not only had I received a great education and some great life skills but I had taken the next step in life and that was to move away from school into the workforce. Unfortunately, there are many teachers who do not receive the support they need and deserve here in South Australia. In the electorate of Chaffey, I have over 50 schools—schools, kindergartens, preschools, learning institutions—and I have almost finished the full round.

It has taken quite some effort and time, but it is one of the great rewarding jobs as an MP to visit schools, talk to the students, meet the teachers and look at what the community means to those schools. I will reflect on regional schools, because regional schools are the social epicentre of those towns not just of the schooling community, and a lot of the social experiences in small regional towns occur in regional schools, whether it be fetes or sports days or parent-and-student days. There are many reasons for a school to be a cultural centre, socially and in terms of sports and learning.

It is also about the feedback that the school gives you and your family; it gives you guidance. Life is really about guidance and being educated. It is also about being able to know what the timing of life is about, and life is all about timing and whether you make the right decision or the wrong decision at the right time or the wrong time. Teachers have given me over time some great maxims. For example, if you make the right decision, it is a great decision; if you make the wrong decision, don't do it again. They are some of the great lessons that I learnt at school and they are some of the great conversations that I have had in schools that I visit in my great electorate of Chaffey.

World Teachers' Day was inaugurated on 5 October 1994 by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) to commemorate the 1966 joint signing of the UNESCO International Labour Organisation (ILO) recommendation concerning the status of

teachers. Celebrated in over 100 countries, World Teachers' Day acknowledges the efforts of teachers in an increasingly complex, multicultural and technological society. It is a day on which students, parents and community members can demonstrate their appreciation for the contributions that teachers have made to their community.

In the Riverland and the Mallee, we are constantly recognised in the SA Excellence in Public Education Awards. For example, last year Gale Hansen from the Renmark Children's Centre and Rebecca Smitran from Waikerie High School were finalists in the leadership category. Andrea Lindner from Renmark Primary School was recognised in the primary school teaching category. Karley Anderson from Riverland Special School was a finalist in the support staff category.

One of the major issues raised by the schools in this electorate is the number of permanent positions. I think that resonates in every school I have visited in recent times. Teachers are looking for permanency, and they are looking for a base. In some instances, teachers do travel from the city out into regional centres so that they can potentially qualify for permanency. One of the great things that I have picked up in a lot of country schools, particularly in Chaffey, is that we have local schoolkids who have gone away and got their qualifications and have come back. I think it is a great attribute that we have locals teaching locals.

We have locals who have come home to teach students—in many cases, to teach their friends' kids, to teach their neighbours' kids and to teach those community kids. It warms the cockles of my heart to think that we have that opportunity for kids to be taught by locals who come home and make a great contribution. I recently worked with a local school in Loxton regarding this. When I raised the issue about permanency, I was informed that in 2016 in the Riverland, there were 332 teachers with permanency, 74 permanent teacher employees and 118 were temporary.

It shows that the Riverland is above the average for permanency (73 per cent) but the state government's teaching permanency target is 87 per cent, so there is still a way to go, but it is great to see. Permanency gives some credibility and stability in regional centres. I have had, I think, four schools in my electorate close over a number of years. It is sad to see that some of those schools are closing, but those decisions are made for the betterment of the students, because that is what schooling is all about.

I want to touch on the issue of school buses. This issue has been very contentious, particularly in regional centres, particularly where there is no public transport, and particularly when we see state school buses going past the front gates of kids who are going to Catholic, independent and private schools. All these parents pay taxes. All these parents are part of their communities. All of these parents are part of the taxation situation, yet they do not have the opportunity to put their child on a state bus. Why is that?

I am glad to see that the Minister for Education is here because it is something that I would really like her to consider. I think every child should have the opportunity to get onto a bus so that they can get to school. This is about the kids; it is not about whether they are private or public school children. It is about equity. It is about putting kids on a bus and getting them to school to make sure they get the best education, no matter what colour, brand, private or public school they attend. It is all about those families having equity for their children.

As I said, many schools contribute in a number of ways. I think one of the great contributions that some of my schools make is that they always organise floats in the Christmas pageant. In addition, they always raise money for local sports clubs and community needs. It is great to see the sporting clubs and the national Footy Colours Day.

In conclusion, I would like to acknowledge the wonderful effort by our teachers and the support staff in educating and supporting our children in the Riverland and Mallee. Schools provide an extreme amount of care. They also clothe and feed some of the less fortunate.

Time expired.

Mr WINGARD (Mitchell) (12:03): I rise today also to speak in support of the motion:

That this house—

(a) celebrates World Teachers' Day held annually on 5 October; and

(b) acknowledges the vital and inspirational role teachers play in providing quality education in a range of settings and to a diverse range of community members.

As the member for Chaffey said before, and I am sure members in this chamber on both sides will say again, one of the wonderful parts of this job is engaging with young people. It is one of the parts that I truly enjoy. I think we have a great opportunity, as members of this place, to help inspire and give great thought to young people when we do get to meet them in our community or in fact when they come in here on parliamentary tours. We have the opportunity to get them really excited about being members of the community who give back. By leading the way and showing the way, hopefully we can excite other young people to do the same. Whilst we are not technically teachers, we do have that teaching role.

Another thing I would like to do is thank all the teachers I had over my time. The one thing I notice about teaching (and I was involved in the sector for a while) is that when you are out there doing the work and you are putting your heart and soul into this job you do not know the impact you are going to have years down the track. If you are an accountant or a lawyer or a doctor or whatever it might be, you can see the results very much before your eyes. When you are a teacher, you are planting a seed and the reward of that seed is not known until it has germinated many years down the track.

I find that a really tough job for teachers because a lot of the time the good work they do is not realised, even by the pupils, until 10 or 15 years down the track when they realise and sit back and think, 'Wow, what that teacher did for me was absolutely fantastic,' and the member for Chaffey mentioned as much. I have many personal experiences like that in my life, so to that end I would like to thank personally all the teachers who were ever involved in my life.

More importantly, I mentioned the schools and the great part we have in this role of engaging with schools. I have a lot in my community that cross over a number of boundaries, and I would just like to mention them on this occasion. Brighton Primary School is one in my community that is shared with the member for Bright, David Speirs, and they have a new principal, Ian Filer, who is doing a great job. I have had a long association with that school as well. In fact, we had them in here for a tour of parliament not so long back and the students were absolutely outstanding. They were so well behaved and so respectful, and again they had that great energy and thirst for knowledge that was wonderful to see.

I have had a lot of involvement with Darlington Primary School over their journey. They have a new principal there as well. We have had them enter our Christmas card competition and they are, again, a very engaged group of students and wonderful kids, and it is great whenever they do come on a parliamentary tour and I appreciate it. I met with Cheryl Ross, the principal of Marion Primary School, and had a bit to do with a number of the students. In fact, one of their students is playing Auskick in the AFL grand final this weekend, so that is very exciting for that school community.

I have a very close association with Paringa Park Primary School, where the member for Chaffey said he went as a young student. Their principal, Leanne Prior, is doing a marvellous job. It is a great little school, and recently I helped judge their Paringa's Got Talent concert, which was an incredibly tough thing to do, as I am sure all members in this place who have taken part in something like that would know.

Warradale Primary School is another great primary school I had in here for a parliamentary tour just a few weeks ago; in fact, the Hon. Michelle Lensink from the other place helped out with that. She talked about the upper house and I talked about this wonderful chamber, and before they moved through I had to explain to the kids how much better this chamber was; I am sure Michelle gave a different interpretation. Bec Maddigan was the teacher who got that group together and, again, they were wonderful kids—so well behaved, so attentive, so respectful—and asked brilliant questions. They were sponges for knowledge. The principal is Greg Graham, and I look forward to working with them more in the future.

Liz Keogh is the principal of Christ the King School. They had their school fete earlier in the year, back in April, and do a wonderful job in their local community as well. The Stella Maris Parish School principal, Sean Hill, is a good friend of mine and does an outstanding job. Every time I go to that school the kids are just so well behaved, so respectful and so engaging. That is what I love about

it. I am not sure if I am getting old or if it is a reality, but the young kids of today really do look you in the eye, shake your hand and engage so wonderfully well. That is no more evident than at Stella Maris Parish School with Sean doing a great job there.

I visited St Teresa's with David Speirs, the member for Bright. The principal is Peter Mercer. They are doing a wonderful job and, very much like Stella Maris, they have outstanding students. Sunrise Christian School, which is just around the corner, again has great young students doing good things in our community. I have a very close association with Brighton Secondary School, and just the other day I compered the White Ribbon domestic violence question and answer seminar.

They brought in kids from other schools and a number of people sat on the panel; in fact, the member for Reynell sat on the panel. It was really wonderful to see the students so engaged in where their community is going and what impact and input they want to have into their society. I commend the principal, Olivia O'Neill, and all the students; in fact, my two kids go to that school. It is the school I went to where I had some of those wonderful teachers, and it is always a pleasure to go back to what is now Brighton Secondary School. For the older people in the place, it was once Brighton High School.

Another great school is Marymount College, which is part of the Catholic community in my local area. I mentioned Stella Maris and also mentioned St Teresa's, which are feeder schools for Marymount College, a middle school for girls. There are some changes going on there, too. I know a number of the teachers there, and there are some exciting changes going on with Marymount merging with Sacred Heart and the middle school as well, so there are some exciting times ahead for that school. Again, there are some great teachers whom I know personally at Marymount, and I thank them for all the work they do.

I also had a lovely tour of Westminster School. The acting principal, Grant Bock, took me around and it was great to see the facilities they have. I commend them for the great work they do and the wonderful students they have. They have a wonderful school fair, as well, which I visited back in April. The number of people in the community who turn out to support it is absolutely wonderful. The new principal, Simon Shepherd, is starting in term 4 and I wish him all the very best at Westminster.

Seaview High School is another school I have had a lot to do with. Penny Tranter is the principal and Bill Stapleton is the deputy principal. David Speirs, the member for Bright, and I visited there recently and we had a bit of crossover with a lot of the students. To see what Penny has done with that school over the last few years has been outstanding. She really has engaged and changed the culture. Every time I speak to students there, and I often do, with their leadership groups and so on, the pride in that school is growing minute by minute, so a big congratulations to all the teachers there.

In fact, I have been to a staff meeting and a governing council meeting. A couple of the teachers there were actually teachers of mine when I was at school. I will not mention their names, but Phil Lendrum is one. I did have to remind him but, thankfully, he did not have too many bad things to say about me. Again, it is great to see these teachers who have been doing the job for such a long time.

Seaview Downs Primary School is another school with an outstanding principal in Des Hurst. He has come in and really just turned that school around and they are going gangbusters. They have really picked up in the IT department, and people are coming from far and wide to get into that school. It is an absolutely outstanding school. One student, Holly, was one of the winners of our Christmas card competition last year, so there are kids with a lot of talent in that school. Again, a big thank you to all the teachers there who are doing an outstanding job.

Sheidow Park is another great school, and Woodend Primary School is, in fact, coming in for a school tour in just under an hour's time so we will catch up with them very shortly. Again, the member for Bright and I have had a fair bit to do with those schools as well. St Martin de Porres has Craig Fosdike as the principal doing a great job in the local community. Reynella Primary School is an outstanding school.

I know that Steve Freeman was at Reynella, but he has now gone to Woodend as the principal. I really admire and respect the work that he did at Reynella Primary School when he was the principal at that school. He had the respect of all the teachers and all the parents and created a really wonderful hub for that community. Steve did an absolutely outstanding job and I am sure that he is doing similarly at Woodend Primary School, and I look forward to catching up with their classes in a few moments.

Reynella South is another school that I love engaging and working with. It has some absolutely fantastic students who really look for any and every opportunity. I have had an opportunity on a number of occasions to speak at their school or engage with their students and the governing council and all the teachers there. They are really passionate about doing wonderful things in that school and in that community. I know they have a new principal there now in Karen Knox.

They have been on parliamentary tours, as well. They are all very respectful and great kids. When the teachers come in, often when they bring students into this place they want to make sure that they are on their best behaviour, and they really seem to be putting in a fair bit of effort, and 99 times out of 100 I turn to the teachers and say, 'These students are absolutely fantastic and so well behaved and so engaged with what is going on.'

Again, I cannot sing the praises of teachers highly enough. A number of my personal friends are teachers, and I know the true importance of teaching in our community and what it also does for our state long term by generating absolutely wonderful people. The thing I think that is so important about World Teachers' Day is the point I made at the very start, and the point I will finish with: so often teachers plant a seed in a young student and it does not germinate until many years later, so they do not get to thank that teacher. I think World Teachers' Day on 5 October is a perfect opportunity to thank all the teachers out there who have had any impact on any student, especially here in South Australia, to make our state great.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I would like to welcome to parliament today Mr Anton Alberta from the South African parliament, who is the guest of the member for Taylor. We hope that you enjoy your time with us this morning.

Motions

WORLD TEACHERS' DAY

Debate resumed.

Ms WORTLEY (Torrens) (12:14): I rise to support the motion moved by the member for Fisher. The United Nations World Teachers' Day celebrates the role teachers play in providing quality education at all levels. This enables children and adults of all ages to learn to take part in and contribute to their local community and global society. Today, I want to speak of a great teacher and friend who, throughout her life, gave so much of herself as a teacher to her students and also to the profession.

'Teachers don’t save lives: they change lives.' These were the inspirational words instilled by Dr Clare McCarty in her teaching students at Flinders University, where she was a senior lecturer and the Director of First Year Studies in the school of education. Born in Kettering, Northamptonshire, Clare attended the local primary school and later, as a promising student, the Kettering girls' high. Britain’s free university education meant that Clare was able to go to King's College, University of London, where she received a BA Honours (English), followed by a Post Graduate Certificate of Education from the Institute of Education.

After three years of teaching in England, Clare headed to Uganda in East Africa where she taught English and drama at Kampala Secondary School and also acted at the National Theatre. Following Idi Amin's seizing power, Clare headed to England where she was offered a teaching position and continued with her acting, performing in a theatre production at The Questors Theatre in London. It was there at a rehearsal that she met Douglas McCarty, an Australian engineer, the man she would marry. In London, Clare became active in the National Union of Teachers, spurred

on by her sense of social justice, belief in educational equality of opportunity and intolerance of racism.

She completed her master's degree at the Institute of Education in London where, with Douglas, she led the student union in protesting against teacher training cuts. Arriving in Australia late in 1976, she was appointed by the late Garth Boomer to the soon to be Parks Community Education Centre as a school and community drama teacher, became a visiting tutor at Sturt Teachers' College and joined the South Australian Institute of Teachers (SAIT). Her activism saw her elected as SAIT president, president of the South Australian United Trades and Labor Council, deputy president of the Australian Education Union, ACTU executive and congress delegate, branch member of the National Tertiary Education Union and one of two academic staff members on the Flinders University Council.

She maintained her passion for education, teaching at Thebarton, Glenunga International, Norwood Morialta, Unley and Oakbank Area schools after her term as SAIT president was completed. At the age of 65, when many retire, Clare began her university teaching career as a teacher in the Bachelor of Education courses at Flinders University and the University of South Australia. In 2011, she was awarded her PhD in education on creativity, neuroscience and teaching practice by the University of Technology Sydney.

Her daughter, Rosa, also a university lecturer and musical theatre performer, who sat side-by-side with her mother while they each wrote their PhD theses, said that if Clare were to choose two words that epitomised her experience in teaching over five decades they would be creativity and empathy. Stories continue to surface on the impact Clare had on her students and how she changed their lives. The cornerstone of her work was encouraging and empowering others. Until only a few weeks before she died last year, Clare was lecturing at Flinders University and in the process of writing a book on educational creativity encapsulating her 50 years of teaching experience.

Flinders University's Executive Dean of Education, Humanities and Law, Professor Richard Maltby, said that the university had lost a highly valued and esteemed educator whose 'unquenchable dedication to her students inspired us all'. To borrow from the words of Greek philosopher and writer, Nikos Kazantzakis:

> True teachers are those who use themselves as bridges over which they invite their students to cross, then having facilitated their crossing, joyfully collapse, encouraging them to create their own.

For many, Clare McCarty was that bridge. I speak these words today in recognition of World Teachers' Day on 5 October because the impact of the dedication and commitment great teachers give to their students continues with us even when they are no longer with us. These are the teachers who really do make a difference. I dedicate World Teachers' Day to the memory of Dr Clare McCarty and to the many great teachers I have had the good fortune to be taught by and to work with side-by-side throughout my teaching career.

Ms SANDERSON (Adelaide) (12:19): It is a great pleasure to speak in favour of this motion to celebrate and recognise World Teachers' Day on 5 October. I think everybody has wonderful stories that they can tell about teachers and the effect they have had on their lives. For many young children, particularly in primary school, who have the same teacher day in day out, they would spend more time with that teacher than with their own parents, so teachers are quite pivotal in the formative years of your life when you are growing.

They make a huge difference. If you have just one teacher or one adult who inspires you, believes in you or pushes you to work harder or to achieve more, it can make a big difference in your life. As the member for Mitchell said, it is those seeds that are planted that, unfortunately, many teachers do not get the see the results of, but they are there. The importance of how much an impact teachers have in our lives can never be overestimated. Several years ago, I remember talking to an anaesthetist around the time that they were looking at strike actions. I could not understand why they would be striking for more money.

The person I was speaking to said, 'We have people's lives in our hands.' I said, 'Teachers have our children's minds in their hands.' If you are looking at equating money, to me, the value of a teacher is huge to our community and to our society because they are really shaping our future. Teachers are very, very important, and it is a great motion to bring to parliament for us to all

recognise. Thank you to the member for Fisher, although the electorate may be called a different name now; I am not up with all the changes.

When I first embarked on becoming a member of parliament, I started doorknocking and one of the first issues that was raised, particularly in Prospect, was the need to access a city high school, in particular Adelaide High School. Many of the local primary schools for several years had been campaigning for access to Adelaide High School. They had engaged a lot of research and put in a lot of effort and time getting all of the different primary schools together to lobby the government in order to have access to Adelaide High School or an equivalent city high school that they could get easy access to.

So I was absolutely thrilled that, even as a candidate, the Liberal Party supported a brand-new high school to be built for the people of Prospect and having access to other areas as well. Unfortunately, we did not win in 2010. However, a week before the election Labor announced an expansion of Adelaide High of 250, which did allow Prospect residents access, which I welcomed. That was a fantastic bandaid approach that helped temporarily.

At the 2014 election, the Liberal Party again recommitted to a second high school in the city. Ours was to be a second campus of Adelaide High School, because many of the residents, in Prospect particularly, liked the heritage and the ethos of Adelaide High and the history that went along with it. Alas, we did not win in 2014, again. However, it was strongly enough put that the Labor government is building a second high school in the city, Botanic High School, which I welcome. That is certainly very welcomed by the residents in Prospect, Walkerville, North Adelaide and the city, because it will be, I believe, a shared zone—thank goodness. It took a while, but we got there and there will be a second high school.

The importance of education can never be underestimated. An example of that is the desire for parents to have their children at what they deem to be 'a good school', which seem to be mostly inner suburban schools because they are on the way to work. It is very convenient for many people to access schools like Walkerville Primary School, North Adelaide Primary School and Prospect Primary School because they are on the way into the city. If you are a working parent, it is far more convenient to have them on the way to where you are going and on the way home.

We have a situation where all the schools in my electorate are at capacity—bar one, which is almost at capacity. At many of the schools, people's postcodes indicate that only 50 per cent are still in the zone. Many people do move into zones specifically to educate their children in what they believe to be a superior school, and I certainly would not blame anyone for doing that. I know that my own mother would have done the same thing, because to her education was the most important thing that she could ever give me, and she went out of her way and went without a lot of things in order to make sure that I was always at what in her mind was the best school, whether that be a state primary school or a private school later on in life.

I have heard stories of families even having fake separations so that the wife will have a home in North Adelaide, just to get access to Adelaide High—it is that important. The reason it is so important is that it is the teachers who make the school, as well as the principal, who directs the whole school. It really is important to recognise our teachers, and we can see that through the achievements of schools and the fact that people will relocate just to access different schools.

I ran a training school and employed many teachers (or lecturers or trainers or whatever you refer to them as). You can see a big difference between someone with a lot of knowledge who is not necessarily good at imparting it and someone who is a good teacher—someone who can share their information well and relate to a five year old, a 10 year old, a 15 year old or whatever age group it is. It is a real skill. It is not just about being super smart; it is about being able to speak to the audience you are dealing with.

I taught briefly at the WEA. They had some training that was for teachers or lecturers (whatever the term is, people use different names), and they said something that resonated very well with me: rather than thinking of yourself as a teacher or a trainer, think of yourself as someone merely on the same path of life, of whom someone else has asked the way. So you are really just imparting your knowledge on the same journey of life as the people you come across. It is about having that

ability to share your knowledge. Teachers have the ability to share their knowledge every day with children on that path of life where they need the teacher's guidance and wisdom.

I have spent a lot of time in schools. I have visited lots of country schools, and you really can pick up the vibe of a school just from being there. It is the teachers that make a difference: teachers who are engaged, who are part of the children's lives and who really see the future and push the children to be their best are really very important.

Being a member of parliament, it has also been a highlight that there are a lot of schools in my electorate. I really enjoy taking tours through Parliament House. I have had five year olds from the North Adelaide reception class, and this week I had the year 12 legal studies class from Pulteney. You have a range of ages. I had international students from Adelaide University in last week as well. I have a lot of migrant groups from my electorate come through for whom English is a second language.

I absolutely love bringing people through Parliament House and teaching them about the history of Parliament House and our democracy. I thank all their teachers for having the idea and bringing the children in. I know it is hard: they have to get volunteer parents to come with them, and there is a lot of coordination to have a school excursion. I thank all of the teachers who go out of their way to make that happen so that the children of our state can come in and see what we do here and hopefully be inspired to be all that they can be. I believe that in South Australia and in Australia, in particular, you really can be anything you want to be: you just have to put your mind to it and put the effort in. I believe that there is every opportunity for all to achieve. I commend the motion to the house.

Mr HUGHES (Giles) (12:29): I will just say a few words about this. Indeed, some of the teachers who taught me might find it a little bit strange that I am getting up to praise teachers. I do have a claim to fame when it comes to my journey through the education system. I was exposed to the tender mercies of the Christian Brothers. I was incredibly well acquainted with their particular form of the strap. Indeed, the first protest that I organised, the first bit of collective action that I organised, was in high school at St John's.

Mr Pederick interjecting:

Mr HUGHES: Yes, from a very early age. As a result of that little protest action—I did involve the whole of the class—I was expelled from that school. I hold absolutely no animosity towards the vast of majority of the Christian Brothers. Most of them were very decent blokes who tried to do the best they could in the circumstances they faced, although there were one or two of them who clearly had problems.

After leaving St John's, I became a part of the public education system, and I would like to acknowledge a bloke by the name of Peter Francis, who worked at Eyre High as a teacher. He is now down Victor Harbor way, but I think he is retired. I will always acknowledge Peter. When we talk about teachers who make a difference to your life, Peter made a difference to my life in what was referred to then as fourth year. A few weeks before the public exam, he got me to pull my finger out, and I did and I had some success. I will always remember that, because ten or so years down the track, when I decided, 'I've had enough of labouring. I am going to go to uni,' it was because of Peter that 10 years or so beforehand.

I have to point out, though, that even in the public education system, in year 12 they decided to expel me as well, for being a ratbag. That school actually invited me back to give the graduation speech just after I was elected. I had a great deal of pleasure in starting the speech with, 'I was expelled from St John's for being a rebel and I was expelled from Eyre High for being a ratbag.' I could not have been too bad; they did invite me back the next year, but I went and worked in the shipyard instead.

I have been exposed to teachers in a number of ways over my life. I had a relationship lasting 10 years with a teacher, and I know firsthand just how hard they work and how conscientious they are. I think that goes for most of the teachers in our state. I had the honour of three children going through the public education system. I would have to say that they gave me far less grief than I gave my parents. All three of them did incredibly well. You get exposed to a whole range of teachers, and

I think almost universally the teachers I came across wanted to do the best for the students under their care.

I could mention all the schools in my electorate. Counting preschools, I have 53; I have 53 sites in my electorate, plus three private schools, so I am not going to go through and list them all, except to say that there is huge diversity right across the range. Teachers, whether they are up in the APY lands, whether they are in the schools in Roxby Downs, Quorn or Hawker, or whether they are in the bigger centres like Whyalla, all do a fantastic job. We need to support them as a community.

I know that one incredibly important thing is that the value we put on education comes from our families and that community context. We sometimes expect teachers to address a whole range of issues that are out there in the wider community. It is impossible; they need strong family support and strong community support. With those few words exposing my history, I will take my chair.

Mr BELL (Mount Gambier) (12:34): I rise to support the motion put by the member for Fisher in this house, that we celebrate World Teachers' Day, held annually on 5 October, and acknowledge the vital and inspirational role teachers play in providing quality education in a range of settings and to a diverse range of community members.

Having been a teacher myself—and, who knows, after March I may be going somewhat back into the profession, depending on situations that are slightly outside my control at the moment—it will come as no surprise to members that many of my close personal friends and family friends are teachers, and I echo the sentiments that have been put before this place in terms of the impact teachers have on a young person's life. It truly is one of those points in time when we have a collective of the next generation in one place—obviously multiple places, but collectively in one place—and teachers do have a significant impact.

I have come across many, many inspirational teachers in my time, far better teachers than I ever professed to be, including people like Garry Costello, who was one of the best English teachers probably in Australia, if not wider than that. He was so inspirational that many, many years after he left the classroom people still talk about how he inspired them to go on and fulfil their full potential. Toni Vorenos was another English teacher who still cares for young people, even though she has left the teaching fraternity. She owns a medium-sized business and employs young people who perhaps do not fit society's expectation of what a young person should look or sound like. The output she gets from those people is just phenomenal, and her business in Mount Gambier is thriving.

Jason Yates, a great mate of mine and one of the best maths teachers I have ever seen, could take kids who absolutely hated maths, hated anything to do with numbers, and, in a very short period of time, would have them looking forward to his class; in fact, some people who have been shown the door from school want to come back just to be in his maths class. It is truly phenomenal. There is also Scott Cramm, the junior school senior leader, who has an ability to maintain the ethos of the school, the discipline of the school, and work with parents and young people so that expectations are upheld and enforced but in a way that is fair and measured, and in some pretty difficult circumstances.

I would like to congratulate all teachers because tomorrow is the second happiest day on their calendar. The reason it is their second happiest day is that the school holidays start tomorrow and that leads into a fortnight of holidays. Of course the happiest day is the Friday just before the Christmas break because that is six weeks of leave.

I will give a little tip to the Labor candidate, and any other candidate who wants to run in Mount Gambier. We do not know who you are and the teachers will not know who you are, so tomorrow get down to the Gambier Hotel at about 3 o'clock. If you put $200 of your own money over the bar, like I will be doing, you will have most of the teachers voting for you forever. So tomorrow at 3 o'clock get down to the Gambier Hotel. That is where all the teachers come together. It is a tradition in the South-East, and it is one you should be part of. I am happy to make sure they have $400 or $600, if there are Independents running as well put your $200 on the bar and you are certain to be in the mix going forward.

In terms of the number of holidays, it is strange when you talk to people who are not teachers about the stress of teaching. I remember in my early days, particularly on a Sunday night, not getting

a wink of sleep, having cold sweats, because your mind would go into a whole range of places: 'What happens if the class gets out of control? What happens if I'm challenged on something I'm presenting?' It is a very stressful time, particularly in those formative years of being a teacher, and that is something in the process that I do not think we recognise.

In fact, you come out of university and you are pretty much thrown into a classroom, the door is shut, and it is sink or swim and let's see how you go. I think we can do better on how we transition teachers into the profession, and certainly hopefully slow down the number who leave within the first couple of years. With regard to the mental stress, at the end of week 10 of any term, if you go into a school now you will see teachers who are physically and mentally exhausted because the pressure is constant.

Even when you are sick, it is easier to rock up to school and teach your classes, or class if you are in a primary school, because setting reliefs, dealing with the student behaviour management that often follows afterwards, plus all the marking and everything, is difficult. There are very few professions that have that level of stress and expectation that you will perform day in, day out regardless of your health.

In terms of universities and going forward, I would like to see some changes. I think the 10-week teaching block should be in the first 10 weeks of your university degree, because in the first 10 weeks you will work out whether or not this is a profession you would like to pursue. Having it at the end of a four-year degree, most people say, 'Well, I've come this far. Even if I don't like it, I need to earn some money to pay off my HECS debt,' and they continue into a profession that they may not have otherwise gone into, had it been right at the start. I would like to see an aptitude test where you devise something to see whether potential teachers actually like kids; 99 per cent do and go on to be very good teachers, but there is a percentage who perhaps would choose a different area if they realised that they actually did not like children.

We also need to look at how we attract teachers to country areas. When I went through, there was what was called a four-year guarantee. It was a great initiative of, I believe, a Labor government, but I stand to be corrected on that, where, if you went to the country for four years, you were guaranteed a permanent position back in the city after those four years. I went to the country, up to Port Augusta, on that four-year guarantee, and I have stayed in country areas, and many teachers have stayed, but they would not have gone out into country areas had that guarantee not been there.

Of course, I would like to see how we encourage more male primary school teachers. I think we will come to a point where, particularly for some students who do not have strong male role models in their lives, male primary school teachers can provide that level of assistance. I congratulate all primary school teachers, but I particularly note male primary school teachers. Unfortunately, we have a system where good, if not great, teachers are promoted out of the classroom. They take up leadership roles, which means that the time they spend in classrooms is decreased.

In finishing up, if we could do one thing to support teachers going forward—and not just words in this place—it is actively looking at how you reduce the bureaucratic paper load that teachers are expected to comply with these days, particularly principals and leaders, who I think should be focused on curriculum and focused on young people but who are seemingly spending an inordinate number of hours filling out paper for paperwork's sake.

I have one concern about NAPLAN. I agree we need some form of testing, but schools that start teaching to a test miss a whole range of teachable moments and opportunities that lie out there. We will start seeing a point where students are actively discouraged from coming to a test because it might lower the school's result, and that would be a shame going forward. In saying that, congratulations to all teachers, well done, and tomorrow down at the Gambier Hotel should be a good time.

Mr TRELOAR (Flinders) (12:44): Sounds like we all should be there, member for Mount Gambier. I rise today to support the motion that has come to this house:

That this house—

(a) celebrates World Teachers' Day held annually on 5 October; and

(b) acknowledges the vital and inspirational role that teachers play in providing quality education in a range of settings and to a diverse range of community members.

Those members who have contributed today have talked about the diversity in schools within their electorates. The member for Giles talked about the vast landscape that schools fit into across his electorate and others have as well. I think I tallied up 22 schools in the electorate of Flinders, more than most but not as many as some. Most are area schools. There is just one high school in Port Lincoln, and it is the largest school in our area, and there are two or three primary schools as well. There is also Lake Wangary and Penong, extending all the way out to Yalata, so an incredibly diverse range of demands but also of students.

I think it is important to acknowledge the importance of teachers as role models. They understand, I am sure, and we need to acknowledge the incredible influence they have not just on the fundamentals of language, science and thought, but the role they play in moulding the adults of tomorrow. It is an extraordinary responsibility. It is not one I would relish. We have in this place some former teachers and it is interesting to hear their insights on the teaching profession and the challenges that that puts up.

I believe that a solid education is a wonderful foundation for life. We all remember our own time at school. Many of us now are parents of school children or have been parents of school children so we are all exposed to the education system in some way or another right through life. Our parents saw us off to school, we saw our children off to school, and sometimes if we are fortunate, we get to see our grandchildren off to school.

Education has changed, the world has changed, but fundamentally it is about teaching children and preparing them for the life ahead. I started school way back in the 1960s. Cummins Area School was a brand-new school in those days. I was in the first lot of grade 1 to begin at the new school. It was the 1960s and it was the height of the baby boomers coming through. Not that I am necessarily in that category, but certainly there was a need for bigger schools all over the state, and Cummins Area School had constructed a new building, which I think for a time housed well over 600 students, much beyond what it is today.

My first teacher was Mrs Parker. She seemed incredibly old. She would have been in her 40s, I am sure. I remember much detail about my time at Cummins. One day in particular was the day the men landed on the moon in 1969, and of course our school had no televisions in those days. That is the only reason that I can think why all of us bus kids were sent home with town kids to watch the moon landing, and I went along with a friend of mine to the only two-storey house in town. The reception was not great and it was often a bit fuzzy in our part of the world, so we finished up outside having a few dobs.

I went on and completed my schooling in Cummins as a grade 7 under Mrs Trigg and, as often happens in a small country town, she happened to be my great aunty. I rolled up at school on the first day not knowing whether to call her Aunty Mary or Mrs Trigg, and she made it quite clear that I should call her Mrs Trigg. Now she was old being my great aunty but she taught an entire generation of year 7s in the Cummins district and many of us will remember that. As a year 8, my parents packed me off to boarding school and I finished up here in Adelaide at Prince Alfred College. I can honestly say, and I shared this with my mother the other day, I enjoyed every single moment of it, and she was pleased to hear that. I appreciated the opportunity that my parents gave me and that that school gave me also.

That leads me to a really important part of this speech. I want to take the time to talk about one particular teacher, and I am going to thank *The Advertiser* newspaper because I am going to borrow heavily from their obituary of a few weeks ago. One of the teachers at PAC during that time was an older gentleman, to my mind, and I finished up in his year 12, modern European history class. His name was Cecil David Mattingley, commonly known as David or 'Dink', and I would just like to talk a little bit about him. He died recently, on 2 June 2017, here in Adelaide, just a few days short of his 95th birthday. I knew him as a schoolteacher, but there was much at that time we did not know about David that has since come to light through reading about him.

His heroism in World War II earned him a Distinguished Flying Cross on the spot, but for generations of schoolboys in Adelaide it was his soft-spoken command of the English language,

history and literature that was most important. Dink was a tall gentleman of impeccable manners, who would only occasionally rise to the taunts of the schoolboys at Prince Alfred College. In the classroom and on the Torrens—where he quietly resuscitated PAC's rowing prowess, because it was in the doldrums for a while—he would politely shut down any questions about his wartime experiences.

He was born in Launceston, Tasmania, but was eager to learn to fly, and he enlisted in the RAAF in 1941. After completing his early training in Australia, he went to England to pilot heavy aircraft. In late 1943, David was posted to the new RAF 625 Squadron in Kelstern, Lincolnshire. They flew the four-engine Avro Lancaster bombers, mostly on night raids over Germany. The odds of survival were poor. Nearly half of Bomber Command's total air crew were killed. Less than half survived a full tour of duty.

David flew his 23rd operation on 29 November 1944. He piloted his Lancaster D-Dog and crew of seven on a daytime raid to Dortmund as part of a force of 300 aircraft. After their bombing run, they turned back for England and ran into very heavy flak. Six of the 294 Lancasters in the raid were shot down. David's plane was hit hard by flak. It blew out all the perspex windows of the cockpit, blew up some of the instruments and holed a fuel tank. He was briefly knocked out. He had been hit in the head by shrapnel, which penetrated his helmet and fractured his skull. Another piece severed his tendons on his right hand. When he came to, he continued to pilot the plane. More flak caught them, and he was wounded in the right knee.

Later, he was hit in the right shoulder, so he could not use his right arm at all. His flight engineer, Cyril Bailey, was also wounded. After flying three hours back to England, David put out the call for a priority landing, fire engines and an ambulance, not mentioning that the ambulance was for him. He devised a plan to land, with Cyril Bailey helping to operate the throttles. They made a perfect landing. David received an immediate award of the DFC, while Cyril won the DFM. David's wounds brought an end to his flying career. He would be in and out of hospital for years, scarred both physically and emotionally.

After the war, David earned an honours degree in history, worked as an archivist and wrote a book on Matthew Flinders and George Bass—a small world. He taught at Geelong Grammar and Marlborough College in the UK before coming to teach at PAC for 32 years. In 2016, David was made a Chevalier of France's Legion of Honour.

I would have ordinarily given that obituary in a grievance debate, but I felt this was an opportunity, given that we are discussing teachers, to talk about a gentleman whom I knew and admired at school but knew very little of. That is to take nothing away, of course, from all the other teachers who taught me. Every other member of this house, particularly the member for Giles, from what I heard of his contribution, remembers their schooldays with fondness I am sure. In acknowledging all the teachers, I wish the year 12s all the best in their upcoming exams only a few weeks away.

The last thing I need to talk about is the need for equity in education, particularly across regional areas. Government has a responsibility to provide adequate and supportive education to students right across this vast state, and I believe a big part of that these days is providing not just teachers and teacher support but also adequate internet access for those schools that need to use open access to provide senior education to country students.

Mr PEDERICK (Hammond) (12:54): I rise to support this motion supporting our school teachers and acknowledge the work that they do. Speaking after a contribution like that, which was amazing, and noting the time, I will have to try to keep it pretty concise.

My education certainly was not as colourful as that of the member for Giles—that was quite an interesting contribution. Most of my education was at Coomandook Area School for the first 10 years. I note one teacher, the late Alan Head. He was so convinced that we needed to know old-style dancing that he taught us old-style dancing in years 6 and 7. We would get out with the foxtrot, the military two and the military three. I still struggle a bit. I was trying to get my wife to dance with me at my son's debutante ball at Coomandook the other night, but—

Mr Treloar: Do they still have the deb balls?

Mr PEDERICK: Yes, they still have the deb balls and what a great night it was. It was magnificent and it was great to see the concentration on the young ones. Certainly, my dance moves did not match the training that the young ones had. That is one of the more interesting memories I have from school.

I also remember Bob Chapman with fondness. He was a deputy at Coomandook for a long time. We were on a houseboat trip in the Riverland and the motor conked out on the boat. We were being pushed downstream towards a bridge by the flow. It was going to be chaos, whatever happened. Bob smoked a bit, but I reckon he was lighting each one from the one he had in his mouth at the time because Bob was in charge and he was panicking a bit. I must say that the crew of that boat did a great job. They lined up the bridge, lined up a pylon and parked the boat so that it would just pull up sideways. I was probably the last student, if not one of the last, to get off the boat. Certainly, those teachers at Coomandook did their best.

I then came to Urrbrae. It was initially for two years, but I did not like the city much so I did one year in year 11. I acknowledge the people who tried to mould me there, even though I did not like being in the city. I went home the next year.

I want to acknowledge the fantastic teachers right across my electorate and right across the state and the work they do because it is not just about education anymore. It is almost also about childminding with some of the behavioural issues they need to deal with, so I salute our school teachers and the pressures that they are under every day of the week. It is not easy, and with so many scrutinising their performance, I really commend the work that they do.

There is certainly one teacher I really want to acknowledge in Murray Bridge and that is Christine Roberts-Yates at Murray Bridge High School. She has put in an application, which I have supported, for a global teacher award. She has just been informed today that she has made the final 400 out of the 20,000 applicants, so that is an achievement in itself.

This is in acknowledgment of her work with the disability unit at Murray Bridge, which does great work for students of various abilities in using robots and teaching cooking and educational skills. I know they have a big Finnish or Flemish rabbit there—one of those will be right. Christine does a fantastic job. In winding up, I would like to acknowledge Christine, wish her all the best in that international award and congratulate all the teachers of the state.

The DEPUTY SPEAKER: Before I call the member for Fisher to finish off, I would just like to add my approval and thanks for her motion. I come from a family of teachers myself and appreciate and acknowledge all that they do, particularly the importance of them in shaping the young people of our area and those, of course, who have moved along the continuum of lifelong learning because, as we know, learning never stops.

I would like to particularly mention teachers of special schools and teachers of the instrumental music branch and primary school choirs. I know that music is a very important part of education, and I know the teachers of the IMS are striving to continue to deliver good education to their students.

Ms COOK (Fisher) (12:59): I would like to thank all members who have contributed today to this very important motion supporting the great work of teachers in our community. I particularly acknowledge the colourful contribution from the member for Giles, which I thoroughly enjoyed, and also the contributions from the members for Chaffey, Adelaide, Torrens, Flinders and Hammond.

The member for Mitchell talked about Reynella Primary School. The principal there now is Michele Russell, who he may not have met, but she is a very good principal. Thank you to the member for Mount Gambier for his kind offer to shout the bar to all teachers tomorrow at the Gambier hotel. I am sure that is an open invitation around the area. I thank everyone for their support and wish all teachers and students happy holidays and good luck with the rest of the year.

Motion carried.

Sitting suspended from 13:00 to 14:00.

Condolence

LEWIS, HON. I.P.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:00): Mr Speaker, I seek your indulgence to make a statement on the death of the Hon. Peter Lewis. I rise to inform members of the sad news that a former Speaker of this house, the Hon. Peter Lewis, has passed away. I will have more to say, as I am sure will other members, when the house debates a condolence motion, but for the time being I wish to extend my sympathies on behalf of the state government to his family and friends.

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:00): On indulgence, I echo the thoughts of the Premier and look forward to the opportunity of putting something more fulsome on the record when parliament resumes. At this point, we extend our condolences to the Lewis family.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today pupils from Vale Park Primary School, who are guests of the member for Dunstan, and students from Woodend Primary School, who are guests of the member for Mitchell.

PAPERS

The following papers were laid on the table:

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

Regulations made under the following Acts—
- Independent Commissioner Against Corruption—Definition of authorised examiner
- South Australian Civil and Administrative Tribunal—
  - Fees General
  - Revocation of fee provisions

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

Regulations made under the following Acts—
- Passenger Transport—
  - Fares Adelaide Airport
  - Fares Lifting Fee

Ministerial Statement

DEFENCE SA CHIEF EXECUTIVE APPOINTMENT

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence and Space Industries, Minister for Health Industries, Minister for Veterans' Affairs) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.L.J. HAMILTON-SMITH: Today, the South Australian government has appointed Mr Richard Price as the new Chief Executive of Defence SA. Mr Price will also serve as CE of the South Australian Space Industry Centre. Mr Price joined the Defence SA team in July 2016 as the executive director of defence and industry. He has had extensive leadership experience in the defence industry, comprising maritime, land, aerospace and science and technology domains over 30 years.

Mr Price started working for British Aerospace in the UK in 1985 where he was an electronics engineer for Laser Inertial Navigation Systems. He then joined SAAB Systems where he worked in Adelaide as a project manager on the ANZAC ship *Alliance* and soon after became the general manager, Naval Systems. In 2009, Richard took over as deputy managing director of SAAB Systems and became the vice president and managing director in 2011.

I would like to thank Mr Andy Keough for his efforts over the past two years as CE of Defence SA. He came to Defence SA in July 2015. Members of the house might recall that this was one of the most challenging years in South Australia's defence history as the South Australian government led the charge to ensure our submarines and warships were built in Australia and not overseas.

Mr Keough's drive and commitment helped South Australia successfully lobby the federal government and change the national agenda on shipbuilding and defence procurement more broadly. We went from a proposed purchase of submarines built in Japan to a continuous shipbuilding program based in South Australia that will deliver offshore patrol vessels, future frigates and future submarines.

The state government's advocacy campaigns have been vital for the delivery of these key naval shipbuilding programs in the state, and Mr Keough and the board of Defence SA should be proud of the part they played in helping our government to achieve this task. I wish Mr Keough all the best in his new role as Managing Director of SAAB Australia. South Australians will now witness one of the most exciting times in our state's history. I again congratulate the federal government on making the right decisions on naval shipbuilding. But we must not become complacent. We still have a great challenge ahead of us.

The livelihoods of Australian families for generations to come now hinge on the federal government's ability to create a genuinely sovereign naval shipbuilding capability, not one owned by foreign government-owned multinationals. The South Australian government remains focused on creating jobs of the future and delivering maximum benefits for local workers and industry. South Australia's commitment will be showcased next week at Pacific 2017, the major naval industry expo, in Sydney, and has recently been showcased at the Defence and Security Equipment International (DSEI) conference in London.

We will continue to grow our defence and space industries as the state's economy transitions towards high-tech advanced manufacturing as its future. We continue to work hard to attract investment and expansion opportunities with companies that are focused on creating those jobs of the future. The government's vision is for a strong, sustainable economy that builds upon our strengths and our well-established defence industry, which is a strength that will continue to support a thriving economy.

TAFE SA AUDIT

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.E. CLOSE: The Australian Skills Quality Authority undertook an audit in May 2017 looking at a selection of training activities that were completed in 2016 by TAFE. The report of that audit was presented to the chief executive of TAFE SA on 25 September 2017. ASQA is the regulatory body that monitors training standards in all states except Victoria and Western Australia. This audit was part of ASQA's three to five year monitoring program, which forms part of its responsibility to maintain high standards consistently across the country.

Officers from ASQA randomly selected courses from across TAFE SA's range of qualifications. Sixteen qualifications were audited, with two to four units per qualification, covering a variety of areas, from cookery to hairdressing and automotive refinishing. The nature of the audit was to determine how compliant with the national standards TAFE SA was in teaching these qualifications.

A level of noncompliance was identified in each of the qualifications. While they vary in their nature, I am concerned that collectively they represent a sample of poor practice within TAFE SA. TAFE SA is in the process of undertaking a detailed analysis of the content of the ASQA report to determine how to rectify the areas of noncompliance as soon as possible. In accordance with ASQA requirements, TAFE SA now has until 24 October to respond, after which ASQA will determine if it is satisfied with the response.

The students enrolled in these courses are my first priority, and I have asked TAFE SA to contact each of them and ensure that they are notified about the report, kept informed of progress and advised of any implications for them. My second priority is to maintain public confidence in South Australia's public provider. TAFE SA teaches more than 1,000 qualifications, workplace competencies and short courses to more than 700,000 students every year. Their success and credibility is critically important to our state.

Auditing of courses is an essential element of ensuring a high-quality training system, and every training provider must be prepared to improve its standards continuously. I am advised that TAFE SA has in place an internal audit program that uses a risk-based sampling method at a work group level. After reviewing the report, I met with the chair of the TAFE SA Board, and he has agreed to form a task force comprising the chief executives of both TAFE SA and the Department of State Development as well as one or more of TAFE SA's Board members with intimate knowledge and expertise in vocational training.

The task force will undertake two roles. The first is to oversee the organisation's response to the audit and to provide me as minister with weekly updates on progress. The second role is to appoint an independent reviewer to look into TAFE SA's existing self-auditing program so I can be sure that South Australians can have confidence in our public training provider. I am concerned about the level of quality issues ASQA has identified in this audit, and I am committed to working with TAFE not only to oversee a response to the audit but to ensure that TAFE is appropriately managing its internal quality assurance processes.

EXTREME WEATHER CONDITIONS

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:09): I seek leave to make a ministerial statement.

Leave granted.

The Hon. C.J. PICTON: There is nothing that I and the government take more seriously than the safety of South Australians. On this day 12 months ago, South Australia was hit by an unprecedented weather event which brought multiple super cell thunderstorms, seven tornadoes, 80,000 lightning strikes and destructive winds of up to 260km/h, destroying the spine of our transmission network and sending the state's electricity network into a system black. This event occurred on the back of a number of significant storm events last year which saw the state emergency management functions swing into action time and time again.

Following this event, former police commissioner Mr Gary Burns was appointed to lead an independent review of the adequacy of the state's disaster preparedness and response. His report, containing 62 recommendations, was released on 23 January this year. I would firstly like to point out that South Australia is incredibly well served by our dedicated police and emergency services who are ready to respond at any time to an incident or emergency situation in South Australia.

This fact was confirmed by former commissioner Burns, who concluded that the statewide complex event was, in general, well managed with coordinated effective response and recovery options put in place. The review notes that during the emergency, respondents were well equipped and trained and provided a highly professional and capable response. Following the events of the magnitude which South Australia experienced at the end of September last year, there is always a lessons-learned process undertaken and the state government welcomes the opportunity to further strengthen our emergency management arrangements.

We have prioritised our response to the recommendations laid out by former commissioner Burns to ensure the state has the most up-to-date, coordinated and effective emergency management plans in place. The Department of the Premier and Cabinet has been coordinating the government's response to the review, with input and involvement from agencies right across government. Significant work has been undertaken to improve coordination and leadership across the emergency management sector, as well as working with government agencies and the business community to develop continuity plans.

Many of the recommendations in the Burns review are complex and require multiagency planning, preparation and consultation. The government is committed to ensuring that these recommendations are not implemented in an ad hoc manner but in a responsible way to ensure we deliver the most effective outcomes for the South Australian community. I am happy to provide an update on the implementation of a number of key recommendations.

In this year's budget, the government committed $3.1 million to two recommendations to streamline call management for the SES 132 500 number and 000 emergency number, and to improve call receipt management and dispatch of emergency services. Good progress has been made on the project which involves an improved call management system, staffing model and media campaign.

Our police have prepared a CBD evacuation plan. This is currently in the final stages of being completed through consultation with key stakeholders across government. The plan is extensive and would be mobilised today in the event of an emergency situation. The plan has been written not just for a blackout situation but for any event in which an evacuation might be required such as an earthquake, fire, terrorist event or some other catastrophic emergency event. This plan will not only cover CBD workers but also visitors, vulnerable people and those who reside in the city.

South Australia is recognised as having best practice processes, and this plan has been written taking into consideration new national standards and requirements. The final document will be approved by SAPOL before the end of the year. A state plan for a black system event is also well advanced and arrangements to manage critical requirements, such as access to fuel and cash in emergencies, are being developed.

I can also provide an update on the continued upgrading of intersections with uninterrupted power supply across metropolitan Adelaide, with more than 40 arterial intersections already upgraded. Work will commence shortly on further sites across the CBD and along Greenhill Road, Fullarton Road and Dequetteville Terrace. Other sites are being upgraded as part of major projects, including the O-Bahn project, Torrens to Torrens, Northern Connector and Darlington upgrade.

Further improvements that have been made following the recommendations include updating emergency management plans and guidelines, updating the procedures used to respond to severe electricity supply shortfall, improving arrangements to support vulnerable people and enhancing the training of emergency services personnel. This work has necessitated across-government coordination, and significant input and investment, from not only our emergency services agencies but many other government agencies and outside stakeholders.

I look forward to working with SAPOL, our emergency services and the wider community to ensure we continue to improve our response and recovery from emergency events. I would like to thank all of those police and emergency services workers across government who have put in significant effort to improve our capabilities.

Question Time

STATE EMERGENCY MANAGEMENT PLAN

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): My question is to the Premier. When will SA Health finalise the emergency plan, recommended by the Burns review, to address critical service delivery for vulnerable and at-risk persons and those reliant on medical equipment at their homes?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:15): I thank the leader very much for his question. I refer back to my ministerial statement in which I outlined a number of the significant works that the government has underway in regard to the Burns review. In fact, we released an update on the Burns review back in July which outlined, across government, the significant work that is being undertaken, and—

Mr Knoll: That's right, and nothing has changed since that update.

The Hon. C.J. PICTON: There has absolutely been a lot of progress—

Mr Knoll: Not one recommendation has been completed since July.

The Hon. C.J. PICTON: —a lot of progress undertaken by people across government, including our police and including our health services, to ensure that we are up to date and we have the best possible procedures in place to deal with an emergency. Of course, there are some areas in which we still have work underway and things are yet to reach a final conclusion, but that does not mean to say that we haven't improved our capability in those areas.

For instance, as I was outlining in terms of the evacuation plan, which also deals with vulnerable people and the management of hospital patients and the like, we have that plan in draft capacity ready to go now. I am advised by the police that if there were such an event now, that plan would be used, but it is still in the final process of being completed in terms of final consultation with all the agencies. But if it had to be used today, then that plan would be used today.

In regard to the specifics of the health plan in particular, I am happy to take that on notice and get the exact update on where that particular recommendation is up to. But, I know that Health have been working particularly well with our emergency services and our police to ensure that we have the best capability and best preparedness as possible to deal with an emergency.

STATE EMERGENCY MANAGEMENT PLAN

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): Supplementary, sir: can the minister provide some explanation to the house as to how a draft plan not communicated to SAPOL officers could possibly be adequate in times of an emergency?

The SPEAKER: Before the minister answers, I call the member for Schubert to order for interruptions during the last answer. Minister.

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:17): Thank you, Mr Speaker. I have spoken to both the commissioner and the senior sergeant who is in charge of this area, and they assure me that if there were such an event in which this plan needed to be used, then it would be used today and would be rolled out by the local LSA in charge of the Adelaide area, to deal with an emergency if that were to happen.

There is final consultation happening on this plan. As you can imagine, it is a very complex set of arrangements. We need to deal with Transport, we need to deal with Health, we need to consider our hotels across Adelaide and what would happen to people there. We need to consider the whole range of different capabilities and the whole range of different threats that would happen if such an event were to occur. That is why you can't just invent these things overnight; they take a bit of time. We do have a draft plan. It is a plan that is being worked on with agencies now, and by the end of the year it will be a finalised plan—

Mr Marshall interjecting:

The Hon. C.J. PICTON: The Leader of the Opposition will have every chance to have a look at it then, but it is something that our police have now, and if they needed to use it right now then they would. Can I also add that I think in particular, we need to thank our police, we need to thank our emergency services personnel, who did an excellent job this time 12 months ago. They did an excellent job of ensuring that people were safely able to leave the CBD and were able to safely transport their way home. In fact, I am informed by the commissioner that there was a significant reduction in terms of the usual crashes that you would see for a particular day such as that. In fact, the system worked quite well.

Members interjecting:

The Hon. C.J. PICTON: What we do need to make sure in the future is that there could be a significantly worse event—a significant event where a huge number of people need to be evacuated, including everybody from hotels or hospitals and the like. That is why there has been a significant amount of work underway in relation to that plan. There is a significant amount of work being undertaken with agencies, but our police have the plan ready to go if that were to happen now. The final plan will shortly, before the end of the year, be finalised.

Mr Marshall: Supplementary, sir.

The SPEAKER: Before the supplementary, I call to order the members for Davenport, Morialta and Stuart and I call to order the leader and the deputy leader. I warn for the first time the members for Schubert and Morialta.

STATE EMERGENCY MANAGEMENT PLAN

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): Supplementary: can the minister confirm that there has not been an evacuation plan documented in the past, and can the minister shed any light on the issue about how the police would communicate this plan should there be another statewide electricity blackout?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:20): I will certainly take on notice what the arrangements were in the past—

Members interjecting:

The Hon. C.J. PICTON: In terms of what the previous arrangements were, I will have to take it on notice. I am much more concerned with the fact that we do have such a plan now that the police would be ready to use. The final plan will be finalised by the end of this year. The police are absolutely confident, by talking to the commissioner, that they would use this plan if an event were to happen today. I think the people of South Australia can be reassured that our emergency services are well equipped to deal with a significant emergency in this state. They are well equipped to deal with a whole range of different threats that could happen to our city, and they are well equipped to deal with an evacuation scenario that might happen.

Mr Marshall: Supplementary, sir.

The SPEAKER: Before the supplementary is asked, I call to order the members for Unley and Finniss and I warn for the first time the member for Unley, the leader and the deputy leader. Leader.

STATE EMERGENCY MANAGEMENT PLAN

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): Supplementary: can the minister confirm what the Premier has indicated to the house, and that is that, in the case of another statewide blackout emergency, the police would use the GRN to inform SAPOL about the evacuation plan that they have never seen before?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:22): I am very happy to get the specific details in terms of the methods—

Mr Marshall interjecting:

The SPEAKER: I warn the leader for the last time.

The Hon. C.J. PICTON: —of communication the police would use. I am also very happy to organise for SAPOL to provide a briefing to the leader, if he wants, in regard to all the detailed matters and how they would communicate with their officers across the state to ensure that such an evacuation, were it to occur in the future, would occur appropriately.

Members interjecting:

Mr Marshall: A further supplementary, sir.

The SPEAKER: Before that further supplementary, I warn the member for Schubert for the final time and I warn the member for Davenport. Leader.

STATE EMERGENCY MANAGEMENT PLAN

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): Given that the minister has provided the house with some information with regard to SAPOL's emergency evacuation plan, can he now provide some update to this house on SA Health's emergency plan, which was also envisaged in the Burns report recommendations and accepted by the government?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:23): As I indicated to the previous question, I am very happy to get further information in regard to the specific work that Health has underway. They did provide an update in July on the work they had already undertaken to that point in regard to the recommendations—

The Hon. T.R. Kenyon interjecting:

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

The Hon. C.J. PICTON: —but I am very happy to liaise with the Minister for Health and ensure that we can provide a full update in terms of the work that Health has underway in ensuring that they deliver on the recommendations. As I previously said, I think it is very important to note that, while some of these recommendations are still underway, that doesn't mean that significant work hasn't already been undertaken to improve our capability. This is an area where I understand that Health has undertaken significant work already. I am happy to get the details for the leader on exactly what work has happened and what work is still to be undertaken.

EXTREME WEATHER CONDITIONS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:24): Given that 12 months have now transpired since the statewide blackout, how many of the 59 recommendations accepted by the government have been implemented and completed by this government in the past 12 months?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:24): As I said in my ministerial statement—

The Hon. T.R. Kenyon interjecting:

The SPEAKER: The member for Newland is warned.

The Hon. C.J. PICTON: —we had 62 recommendations in the report, and I believe there are 19 that have already been undertaken. I will double-check, but I believe there are another 37 that are still being undertaken and are being implemented. As I have said in response to a number of the previous questions, even with those 30-odd recommendations where work is still being undertaken, whether that is across police or emergency or Health or the whole range of different agencies this involves, that doesn't mean work hasn't happened in those areas.

A significant amount of work has happened, and the people of South Australia can be very reassured that our emergency services and health authorities and transport authorities are well prepared to deal with emergency events should they occur in this state.

EXTREME WEATHER CONDITIONS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:25): A supplementary: will the minister provide the people of South Australia and this house with a guarantee that all outstanding recommendations accepted by this government will be implemented in full by the time summer comes around?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:25): All

these recommendations are being implemented in a methodical way to ensure we have the best possible capabilities for our state. Over the past few months—

Members interjecting:

The SPEAKER: The member for Davenport is warned for the second and final time, and the leader is already on two warnings.

The Hon. C.J. PICTON: —since the report was released on 23 January, a significant amount of work has occurred in relation to the recommendations, but a number of them involve a huge amount of work and very complex arrangements to ensure we get them right. For instance, some of the recommendations involve the continuity of supply of cash in the event of a blackout. This is a very complex set of arrangements where we need to ensure that cash is available for people if there were to be a blackout. We don't necessarily control the banking system, so we need to work with the commonwealth agencies—

Mr Whetstone interjecting:

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

The Hon. C.J. PICTON: —and we need to work with the private sector to work on those solutions. Likewise, in terms of fuel recommendations, they are a very complex set of arrangements and regulatory functions. We need to work through all those as fast as we can and we need to make sure we do it in a way that is absolutely considered and that we get it right—

Ms Sanderson interjecting:

The SPEAKER: I called to order the member for Adelaide.

The Hon. C.J. PICTON: —because we don't want to rush into something and have recommendations delivered just so that we can tick a box. The actual objective here is to improve our emergency services capabilities, and improve our capabilities to respond to a disaster event should one happen in this state. That is why, as I have said in relation to the last five or six questions, even where we have a recommendation underway, it doesn't mean nothing has happened on that. A significant amount of work has occurred across—

Mr Tarzia interjecting:

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

The Hon. C.J. PICTON: —our state, across our departments, across our emergency services to ensure that we are well prepared, and we are continually improving our capabilities. As commissioner Burns noted—

Mr Tarzia interjecting:

The SPEAKER: I warn the member for Hartley.

The Hon. C.J. PICTON: —in his report, we have well-equipped emergency services in place in South Australia and, on the whole, they responded very well to the previous event that happened. We want to make sure that we continue to set the bar as high as possible in South Australia, and that is why we are working on delivering these recommendations from commissioner Burns in a very careful and considered way to ensure we are appropriately improving our emergency services capability in South Australia.

ENERGY PRICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): My question is to the Minister for Energy. Given household and business power bills have gone up by an average of 20 per cent since the statewide power blackout, will the minister admit that the government's energy policy is a marketing scam that is hurting all South Australians?

The SPEAKER: A question with that kind of comment and rhetoric and scope gives the Treasurer great scope to reply.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:29): I have to say what length, depth and breadth of the front of the Leader of the Opposition; 12 months from the statewide blackout and all we have heard from the opposition is complaints, whingeing and a plan to scrap the renewable energy target and hand over all responsibility for energy to people who pass around lumps of coal during question time. That's it. Twelve months. Our Energy Plan and our energy policy have been methodically rolled out across South Australia—

Members interjecting:

The Hon. A. KOUTSANTONIS: It has given us more investment by the private sector, and I will go through them all one by one. AGL is investing in brand-new generation at Torrens Island. Pelican Point has now unmothballed its generation facilities at Torrens Island, and we are seeing now nearly 470 megawatts into the system that wasn't previously available. At Osborne, we have seen now that Origin have made applications to build new generation and extend other forms of generation. We have also seen that we are building, the government is building, its brand-new power plant to give new backup support to the South Australian market.

You have seen solar thermal win a tender against other forms of traditional generation to build a brand-new solar thermal plant here in South Australia. You have seen one of the leading companies in the world build a brand-new lithium ion battery, which will be the largest in the Southern Hemisphere, which will firm up our renewable energy resources here in South Australia, which will, of course, offer scheduled renewable energy into the system. What you are seeing is that in South Australia we are leading the nation, leading the nation in the way we are transforming the energy market. Meanwhile—

Members interjecting:

The Hon. A. KOUTSANTONIS: —what are you seeing in New South Wales? A jurisdiction that has the highest generation of coal-fired generation in the world grappling with a lack of supply, grappling with no new investment, grappling with high power prices—

Mr Wingard interjecting:

The Hon. A. KOUTSANTONIS: —and what you are seeing is, nationally, a Prime Minister fumbling around—

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

The Hon. A. KOUTSANTONIS: —not able to even accept the recommendations of his own report of his own Chief Scientist. How humiliating must it be for a Prime Minister that he cannot adopt the recommendation of his own appointed Chief Scientist? Not only is it his Chief Scientist; it is the CSIRO, his own agency that advises him on science and other interventions about how to decarbonise our grid and, of course, how to make it more reliable and cheaper.

What we have now is the Business Council of Australia, the Australian Industry Group—every major employer in the country—calling for a common energy target, yet the Liberal Party cannot adopt the recommendations of its own report because of internal divisions. In this state, we have a Liberal Party that is so bereft of ideas and vision that they can't even come up with their own plan, other than abolishing the renewable energy target and handing over all power to Canberra.

Yet they have the gall, 12 months from the statewide blackout, offering nothing new to the people of South Australia other than whingeing and complaints—

Members interjecting:

The Hon. A. KOUTSANTONIS: —and then claim that interjections and noise and shouting are a substitute for an energy policy. The question is: why are they keeping it hidden? Why are they keeping it secret? What are they hiding?

The SPEAKER: The member for Hammond I call to order. The member for Chaffey I warn a first and second time—

Mr Whetstone: What about a warning first?

The SPEAKER: You just got two owing to your sterling efforts during the last four minutes. The member for Unley I warn for the second and the final time—and I mean it. The leader.

ENERGY PRICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): My supplementary is to the Treasurer. Can the Treasurer update the house and the people of South Australia as to how much money has been spent by this government on advertising and promoting their energy plan to date? How much is envisaged between now and the next election? Can the Treasurer confirm that there are no media bookings made by this government with regard to their energy plan beyond 17 March next year?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:34): Twelve months ago today the Prime Minister of this country attacked the reputation of this state in a way that I thought was probably the most unbecoming act of an Australian prime minister that I can remember.

At a time when we were suffering a statewide blackout, the state was suffering from floods, our emergency services were stretched and South Australians were looking for a helping hand from their commonwealth government, the Prime Minister didn't just attack this government, he attacked South Australia. He attacked our economy. He attacked every single South Australian and poured ridicule on our state and every cent we are spending—

Ms Sanderson interjecting:

Mr MARSHALL: Point of order.

The SPEAKER: Before I take the point of order, the member for Adelaide I warn. Point of order.

Mr MARSHALL: It's 98, sir: the minister is not addressing the substance of the question.

The SPEAKER: The minister hasn't quite got to the substance of the question yet. I trust he is on his way.

The Hon. A. KOUTSANTONIS: The preamble is: why the advertising campaign? The advertising campaign is that we had the leader of this nation attack his own people, attack his own citizens and attack his own jurisdictions. The reputational damage that he attempted to—

Mr MARSHALL: Point of order, sir.

The SPEAKER: I would just like to give the minister a chance to get to the centre of the question.

The Hon. A. KOUTSANTONIS: It's in the interests of the South Australian economy and the people of this state that the government do all it can to repair that reputational damage that the Prime Minister of this nation inflicted on this state, and I have to say it's worth every single cent. Business SA has estimated that the statewide blackout cost the South Australian economy in excess of $400 million. The reputational damage that the Prime Minister has inflicted on this state is still unquantified.

Yet, despite that reputational damage, we have seen dramatic investments in South Australia, and we will continue to advertise the repair that we have done to make sure that we have reliable and affordable power and that we are investing in our economy to make sure that people who invest here know that they can invest here with certainty. It's important that the government inform the private sector that what the Prime Minister has said about our state is simply untrue and was politically motivated and based on lies—based on lies.

The SPEAKER: Is there any chance that the minister will furnish—

The Hon. A. KOUTSANTONIS: Thank you, sir, for your interventions again. I appreciate it.

The SPEAKER: —a number, and if the minister doesn't have a number or a range of numbers could he take it on notice?

The Hon. A. KOUTSANTONIS: Yes, sir. Of course, the government makes all of its spending on advertising public and will do so at the appropriate time.

Members interjecting:

The SPEAKER: I warn the members for Hammond and Mitchell.

OIL AND GAS SECTOR

Mr HUGHES (Giles) (14:37): My question is to the Treasurer and Minister for Mineral Resources and Energy.

Mr Pengilly: Don't get expelled again, Eddie.

Mr HUGHES: I will try not to. Minister, can you advise of any recent developments in the oil and gas industry in South Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:37): The oil and gas sector is a vital part of our economy here in South Australia, both in its own right as a major employer but of course in the provision of energy to households and industry, domestically and internationally.

Today, an Adelaide headquartered company, Beach Energy, has announced that it has reached agreement with Origin to acquire Lattice Energy for $1.5 billion. I will leave it to Beach to comment on the details of the transaction, but I draw to the house's attention to the significance of this acquisition—acquiring Lattice for more than double the assets held by Beach, expanding its presence from the Cooper Basin and extending its reach to Australia's east and west coasts, as well as in New Zealand.

Beach expects its production to increase by some 150 per cent and its portfolio to diversify from a focus on one petroleum basin to five. The Cooper Basin will remain its largest asset focus, with Beach bringing the Lattice assets in the Cooper Basin under its wing. Beach is now expected to supply about 15 per cent of the east coast gas demand. The Beach Energy acquisition is a further demonstration of the influence and strength of the South Australian-based listed companies. This acquisition will add to the scale and momentum of the mineral resources and energy sector in this state.

Lattice Energy, which was spun out of Origin, has assets in Perth, Otway, the Bass Basin in Australia and the Taranaki Basin in New Zealand. Beach's acquisition will create new opportunities for contractor companies in the oil and gas sector to offer their services, building on the existing relationship they have with Beach. We are home, as a state, to Santos, OZ Minerals, Iron Road, Hillgrove Resources and a raft of junior miners and explorers that employ South Australians and support business opportunities in this state.

Add to that list earlier this month Strike Energy, which moved its headquarters from New South Wales here to South Australia to progress its southern Cooper Basin project. It is no accident that these companies are choosing to relocate from the east to the south because of the investment profile and commitment we have to this sector as a government. This government is pro the oil and gas sector and pro business.

From 1 July next year, we will be the only state jurisdiction where acquisitions of this sort will attract no stamp duty, no liability on the transfer of property: on the land, the buildings, the plant and equipment, the intellectual property or the licences of production for minerals and petroleum. These settings encourage business transactions, helping to grow our economy, enabling business to keep employing more South Australians. The government wants to do more to encourage more gas out of the ground to underpin our economy and ease pressure on energy prices.

To quote the Prime Minister, 'The recent rises in the cost of gas are the single biggest factor in the current rise in electricity prices.' The Prime Minister has urged for energy policy to be guided by engineering and economics, not by ideology and idiocy—his words: ideology and idiocy. How painful must it be for the Prime Minister to gaze at the errant relatives of the federal Liberal Party, the idiot sons of the Liberal Party.

Ms Sanderson interjecting:

The SPEAKER: Point of order.

Mr VAN HOLST PELLEKAAN: Standing order 98.

The SPEAKER: Yes, I uphold the point of order, and I warn the member for Adelaide for the second and final time.

The Hon. A. KOUTSANTONIS: The South Australian economy is growing at a healthy and sustainable rate. Last financial year, our gross state product grew by 2.25 per cent, outpacing the nation's GDP growth of 1.9 per cent. Beach's acquisition of Lattice will add momentum, and I congratulate the company on their acquisition. If we followed the advice of the Leader of the Opposition, we would have to slow our economy down.

ELECTRICITY SUPPLY

Mr VAN HOLST PELLEKAAN (Stuart) (14:42): My question is to the Minister for Energy. Why does AEMO still warn of electricity supply shortfalls this summer and ASX still predict South Australia to have the most expensive electricity in the nation for years to come, even though both organisations are fully informed about the government's energy plans?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:42): Selective quoting of AEMO reports does no good—

Members interjecting:

The Hon. A. KOUTSANTONIS: They can laugh all they like, Mr Speaker. The AEMO reports and, indeed their own words, say, 'Had it not been for the government's interventions, had it not been for the government's work and its energy plan, South Australia would be at severe risk of blackout.' But, of course, our reliability standards have lifted.

I am confident that what we have done to ensure more reliability and more production of electrons here in South Australia so we are less reliant on Victorian imports is a good thing. But, of course, the Liberal Party can't pose those questions about us without answering the questions that the Prime Minister poses of them. Banning unconventional gas lifts the prices of electricity, banning gas hurts the nation, yet the Liberal Party are proposing just such a policy.

Mr VAN HOLST PELLEKAAN: Point of order, sir: standing order 98. The minister is debating the substance of the question.

The SPEAKER: Has the minister finished?

The Hon. A. KOUTSANTONIS: Yes.

ENERGY SECURITY TARGET

Mr VAN HOLST PELLEKAAN (Stuart) (14:43): My question is again to the Minister for Energy. Why has the government delayed the start of its energy security target until 2020, given that the minister said when announcing it that it would reduce electricity prices for all South Australians?

Mr Marshall interjecting:

The SPEAKER: Who was making that noise?

Mr Marshall: I think that might have been myself, sir, and I apologise.

The SPEAKER: I suggest that the leader depart under the sessional order for the next 15 minutes and compose himself.

The honourable member for Dunstan having withdrawn from the chamber:

The Hon. T.R. Kenyon: You generally bow when you walk out.

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

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:44): The energy security target is a very important plank of Our Energy Plan. The energy plan has many aspects to

it. Of course, the first and most important one was legislation to make sure we had more powers to intervene in the market in the interests of South Australians—powers that were taken away from us during the privatisation of ETSA; of course, getting more gas out of the ground, hence the PACE gas scheme was introduced, to make sure that we could get more gas out of the ground; a tender for our own power to get a new competitor into the South Australian market, which excluded the large retailers who were exerting monopoly powers—

Mr VAN HOLST PELLEKAAN: Point of order, sir: I ask you to bring the minister back to the substance of the question. I remind you of your ruling yesterday in which it was inappropriate for a minister to provide information that is readily available to the public. He has used the same information in a previous answer and it is being advertised for millions of dollars across the state. Please bring him back to the substance of the question.

The SPEAKER: It is about why the government has delayed its energy target.

Mr VAN HOLST PELLEKAAN: He is going through the list again.

The SPEAKER: That's the question. Minister.

The Hon. A. KOUTSANTONIS: The energy security target, just as background for the Speaker, was part of the state government's energy plan. It was part of the announcement that the Premier and I made when we announced our intervention into the market. I am going through the way that the energy security target fits in comparison with the rest of those plans. Of course, when we announced our—

Mr PISONI: Point of order, sir: can I draw your attention to the clock—it is not moving.

The SPEAKER: Yes, fair point.

The Hon. A. KOUTSANTONIS: The energy security target was, again, a critical part of that plank. Importantly, we wanted to make sure that there were more competitive tensions in the South Australian market because the energy security target is there to try to design a system much like an energy intensity scheme or even a CET, where retailers are required to provide more contracts into the market; we want more contracting activity into the market.

Unfortunately, the carryover from the privatisation was a number of retailers exerting an undue amount of monopoly power in the market. Quite frankly, until our solar thermal plant is built, being able to offer competitive ranges into the market as part of Our Energy Plan, I would be uncomfortable with the energy security target playing that role, given it might actually not do what we were planning it to do.

The energy security target has a number of factors. The first one is to make sure that there is a base load number of generators that are offering more contracts to try to lower price and improve energy security. Two, is to try to break up the monopoly power that the opposition gave us through the privatisation of ETSA, which is why the first plank of the plan was more important, which is to get the competitive tension into the market.

What we have done is we have been able to adapt. For example, whenever you release a plan these things are fluid. Whole aspects of the plans have changed and been amended as we have been rolling them out to suit circumstances. For example, the temporary generators are actually the final generators that we will be using but they will be operating at two temporary sites on diesel, but once this summer is completed they will be moved to a single site and operate like a gas-fired generator as backup and offer inertia into the system, which is exactly what we said.

What we were able to do was to kill two birds with one stone, that is, have security for this summer that provides backup, and have our final solution for generation. Much the same with the energy security target. What we are doing is we are adapting the plan to make sure it suits the South Australian conditions. What we are saying is we want a competitive market. With a competitive market in place, an energy security target or a CET or an energy intensity scheme, whatever the market mechanism is that the commonwealth government chooses, can be folded into our energy security target.

We have been arguing long and hard for there to be a national market mechanism. What we have said is that, given that the commonwealth government cannot come to grips with its internal problems in Canberra, the Queensland government, the Victorian government, the Australian Capital Territory government and the South Australian government have asked the Australian Energy Market Commission to begin the work of implementing a clean energy target in these jurisdictions. An energy security target is much like that.

ENERGY SECURITY TARGET

Mr VAN HOLST PELLEKAAN (Stuart) (14:49): Supplementary: given that the minister said in his answer that he is delaying the implementation of the energy security target because the solar thermal plant that was recently announced at Port Augusta won't be built, and so he wants to delay the target program until it is built—

The SPEAKER: Can the member for Stuart ask the question?

Mr VAN HOLST PELLEKAAN: —why did he originally announce that the energy security target would come into effect on 1 July this year, when at the time he knew the solar thermal plant would not be there?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:50): Again, I couldn't pre-empt the outcome of the tender process. I have to say that when the government holds a procurement we don't generally know the outcome. We go to the market and we see what the market can offer us. The great thing about the solar thermal plant is that it has sent a shiver up the spine of traditional fossil fuel generation because it won a competitive tender against gas. It beat gas. That is a remarkable breakthrough—a remarkable breakthrough. That breakthrough has sent shockwaves throughout the entire east coast electricity market.

Remember, South Australia and New South Wales hold the title to two unique titles: New South Wales has the highest penetration of coal-fired generation in the world and, arguably, South Australia has the highest penetration, at times, of renewable energy in the world. So the idea that a fossil-fuelled generator would lose a tender to something like solar thermal was not contemplated by the industry, and yet it did, and it won, and it won it well. That is why we are delaying the reintroduction of an energy security target, because what the privatisation of ETSA has done is put a great deal of generating power and market monopoly rent power into the hands of a few. Those few—AGL and Origin—you can match their share price from the rises in power prices across the eastern seaboard.

What we are trying to do is to smash up that monopoly power by introducing a new competitor, a new competitor who can offer new contracts that are not on the basis of the old arrangements, a new offer into the South Australian market. Once they are operating and they are running, an energy security target, or a clean energy target, or an energy intensity scheme, will incentivise all forms of generation to offer more contracts into the market, giving business more opportunities to buy competitive offers from different generators, driving down prices.

Currently, under what we have now, we have very large generators setting the price in this state because they've got monopoly power. And they've got monopoly power—why? Because we sold an essential utility as a monopoly. We sold our assets and we sold our transmission lines and we sold our distribution lines to people who aim to make profit from them rather than deliver a service. The reason we built transmission lines and the reason we built distribution lines was to provide a public good, and members opposite sold them to profit-making enterprises, and today they come back and complain to us about what they are charging us for the privilege. It's a bit rich!

ENERGY SECURITY TARGET

Mr VAN HOLST PELLEKAAN (Stuart) (14:53): Supplementary to the minister: is the real reason that the minister has delayed the implementation of the energy security target until 2022 that overwhelmingly feedback from consumer representative groups and other industry organisations was that it would actually increase the price of electricity in South Australia?

Parliamentary Procedure

VISITORS

The SPEAKER: Before the minister answers, I welcome to parliament today a distinguished former minister for the environment, chairman of committees and member for Heysen, the Hon. David Wotton.

Question Time

ENERGY SECURITY TARGET

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:53): A fine legislator, sir. The opposition can speculate all they like. We have acted—

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Well, if the opposition know the answer, why are they asking the question? If you know the answer, why ask the question? I have laid out the reasons why we delayed the energy security target. It is the right and prudent thing to do. We still believe in a market mechanism. We would like the commonwealth government to get on board with the CET. If they can't, perhaps the states can go it alone—or another government, perhaps an incoming Shorten government.

Mr Duluk: Now you're dreaming.

The Hon. A. KOUTSANTONIS: Say it like you mean it. Put a bit of conviction behind there. How many Newspolls is it now? Twenty-six Newspolls in a row. But, of course, I know that the member for Davenport is the ultimate optimist. That's why he has grown the beard. The hair growth—it's back. The ultimate optimist, Mr Speaker.

I have to say, hopefully, we will get common sense nationally with energy policy. We are seeing not much leadership at a national level. We have a very good report from our Chief Scientist who was empowered by the COAG Energy Council, with a range of experts assisting him, to formulate a policy basis to have a more secure, reliable and sustainable grid to meet the requirements that the Prime Minister has signed us up to in Paris and, of course, the requirements that industry needs to lower prices.

The unfortunate thing is that that report is sitting on the Prime Minister's desk, not being acted on. They are paralysed with indecision, so the states are moving. What you are seeing is the Queensland government, the New South Wales government, the Victorian government and the South Australian government doing all they can to improve reliability to try to lower costs, but ultimately we need a price signal. The greatest evidence that a price signal will work is the example of the renewable energy target. It has been an overwhelming success.

It is a price signal into the market set by the commonwealth government, and the market has responded by building vast amounts of renewable energy which is cheaper, coming down the cost curve, and greener. All the commonwealth government needs to do to lower prices is to bring in the same price signal for other forms of generation, and all of a sudden the policy of scarcity that the private operators have in place of closing power stations in unscheduled ways to try to limit the number of electrons and power in the grid to increase the price of electricity will be reversed. But members opposite are paralysed by the Minerals Council and their love and addiction to coal.

Mr Pederick interjecting:

The SPEAKER: The member for Hammond I warn. The member for Morialta.

TAFE SA AUDIT

Mr GARDNER (Morialta) (14:56): My question is to the Minister for Higher Education and Skills. Can the minister confirm what appears to be the case from her ministerial statement that 100 per cent of the TAFE courses audited by ASQA were found to be noncompliant?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:56): That is correct, and that's why I have taken the step of making sure not only that TAFE responds appropriately to the questions raised about those 16 but also that we have an independent assessment of the capacity of TAFE to undertake its own internal auditing processes. They have those processes in place, and indeed they assure me that those processes have previously identified some of the issues that are repeated in the ASQA report.

Nonetheless, it is a cause of concern for me that all of the courses that ASQA looked at had a variety of issues raised. While ASQA themselves pointed out that it is not unexpected for large TAFE organisations (or TAFE-like organisations) to have a number of compliance issues, I am concerned, and therefore need to ensure myself on behalf of the people of South Australia that the internal auditing process is working well. Once we have received that report, we will make a determination about how to respond.

TAFE SA AUDIT

Mr GARDNER (Morialta) (14:58): Supplementary: in relation to the internal auditing process that the minister referred to in her answer just then and in her ministerial statement, how many of the 16 courses found to be noncompliant by ASQA have been subject to that internal auditing process within TAFE?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:58): I don't have the details yet, although I have asked for it, of exactly all the courses partly because the way the internal auditing works in TAFE is that work groups are examined rather than qualifications. Some work needs to be done to crosscheck that, so I have made those inquiries. More importantly, regardless of however recently those particular courses have been assessed by TAFE internally, they have been audited by the national accrediting body; it is the others I want to make sure that we have an accurate process for internal auditing and checking the quality.

TAFE SA AUDIT

Mr GARDNER (Morialta) (14:59): A supplementary: given that in her initial answer the minister identified that TAFE's internal auditing processes had identified some problems earlier, what action was taken by TAFE or the government or the department to address those problems, and were they the same problems then re-identified by ASQA?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:59): TAFE has said to me, obviously when they are compiling their report to ASQA—and as I have said in my ministerial statement, I am expecting a weekly report as we get towards the end of October, when that will be provided to ASQA—that they had picked some up and rectified them already. There has been a reasonable period of time between the auditing process, which occurred back in May, and today, so that will come through. That will become clear as the response to ASQA is made.

The SPEAKER: Supplementary, member for Morialta.

TAFE SA AUDIT

Mr GARDNER (Morialta) (15:00): Can the minister confirm that the number of students impacted by these 16 courses being found to be noncompliant is in fact in excess of 2,500?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:00): I think it's about just under 2,500 that are enrolled in the courses that have been audited by ASQA. Yesterday, I also asked that TAFE contact all of those students so that they are not simply relying on information through the media, but are being told by their training authority what is occurring, and that they will be kept up to date as the matter makes progress over the next month, for the initial response. Then of course we need to hear from ASQA in terms of their view about the report that is being made.

TAFE SA AUDIT

Mr GARDNER (Morialta) (15:00): Supplementary: in relation to both the TAFE internal audit that the minister referred to and is waiting on the responses from, and indeed the ASQA report itself, will the minister make those reports publicly available?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:01): My understanding from ASQA is that the process is that they provide a report to TAFE, which they have already done. They have a choice about whether to keep that confidential, which they have chosen at this stage. They could have put it immediately onto their website, but they chose not to do that in this instance. We then provide a report, and then a final report is made public by ASQA. I presume that that will encompass the issues that were raised and the response made by TAFE.

TAFE SA

Mr GARDNER (Morialta) (15:01): Given that TAFE CEO Robin Murt is on a salary of $375,000 annually with $50,000 being 'at risk' or a bonus, can the minister advise how much of his at-risk remuneration Mr Murt received in the last financial year?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:02): The at-risk component for the financial year which ended at the end of June 2017 is yet to be determined by the TAFE board. It will be my expectation that the events that have led to this report will be taken into account by the board.

TAFE SA

Mr GARDNER (Morialta) (15:02): Supplementary: given that one would expect that the reasons that led to the 16 courses being found to be noncompliant must have been in some kind of process, was the minister aware that in the last financial year Mr Murt received $48,000 of the $50,000, and will that figure be reviewed?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:02): I am aware that that was the amount that the board determined to pay of the complete package; they withheld some. As I have indicated, I am aware that they have not yet made a determination about this year's and it is my expectation that they would take into account what has occurred.

The SPEAKER: Supplementary, member for Morialta.

TAFE SA

Mr GARDNER (Morialta) (15:03): Given that seven other TAFE executives are also on bonus arrangements, can the minister say how much of their bonus they received in 2016-17?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:03): I will have to take that on notice and bring back an answer, but I imagine—and have a reasonable expectation, having had a conversation with the chair of the board—that there is a view that it is important that there is accountability for any loss of quality within TAFE.

I ought to point out, though, that while I am taking this very seriously and am reasonably concerned, the process is not yet concluded. We need to give TAFE the fair opportunity to respond, as the ASQA processes allow, and then to have ASQA respond to that. But, as I have indicated, I am not content with just responding to those 16.

EUROPE ENGAGEMENT STRATEGY

The Hon. P. CAICA (Colton) (15:03): My question is to the Minister for Investment and Trade. What are the key outcomes from the recent South Australian government-led business mission to Europe?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence and Space Industries, Minister for Health Industries, Minister for Veterans' Affairs) (15:04): I thank the member for Colton for his question.

I know there are many exporting businesses in his electorate. From 10 to 18 September 2017, the South Australian government led, on behalf of local companies, a business delegation to Germany, the UK, the Netherlands and Sweden in support of the implementation of the state government's Europe Engagement Strategy.

It is part of a program of engagement year on year. Our two-way trade with Europe is valued at $2.83 billion. I commend InDaily today for their business index of the top 100 companies, many of which are companies exporting to Europe, companies like Santos, Adelaide Brighton, OZ Minerals, Beach Energy, Mayne Pharma, Thomas Foods, Elders, Coopers Brewery and so it goes on. They are all involved in creating jobs and investment in South Australia by taking their goods and services to the world.

The main objective of the mission was to grow jobs and investment in South Australia by further developing key relationships with government, industry chambers and business associations. I remind the house that there are 72,000 South Australians who have a meal on the table every night as a consequence of selling our goods and services to the world. We aim to continue to increase that number of jobs. Twenty-five delegates joined the mission across the medical technologies, wine, education, advanced manufacturing and defence sectors on this occasion.

The business mission to Europe was supported by a number of South Australian government departments. The Department of State Development led the program for the travelling business delegation. Investment Attraction South Australia conducted an independent investment program in parallel with the business mission. Defence SA managed the state's presence at the Defence and Security Equipment International (DSEI) conference in London from 12 to 15 September 2017, promoting South Australia's defence capabilities and international collaboration opportunities with supply chain companies such as Wartsila Marine, Rolls-Royce UK and MTU Diesel.

Discussions were held with representatives of shipbuilders Damen, Fassmer and Lurssen, each of which are bidding for work on the offshore patrol vessels, and discussions continued with future frigate contenders Fincantieri, BAE and Navantia. The state government agrees with the federal government that we should be exporting more in the way of defence products. Industry associations participating in the missions were represented by Mr Nigel McBride, CEO of Business SA; Ms Margot Forster, CEO of Defence Teaming Centre; and others.

During the mission, I participated in 21 meetings and events with senior government officials, business chambers, associations and corporate leaders. This included promotion of targeted investment and future business opportunities to chambers of commerce and their members at the German-Australian Chamber of Industry and Commerce (GACIC) business forum in Berlin and the annual German Australian Business Council (GABC) in Frankfurt, hosted by our ambassador.

The mission took delegates to key corporates, including SAP and Siemens in Berlin, to explore their international strategies. It was good to see the University of South Australia present. Delegates who engaged with Delft University of Technology in the Netherlands were able to explore R&D collaborations in the smart city. It is intended that the government, as part of its intention to grow international engagement, will conduct visits year on year. Next year is Euronaval and SIAL, the big defence and food expos respectively.

At the request of companies, we will continue to help them grow jobs and investment by improving their sales of goods and services around the world, with a particular focus on Europe, one of our biggest trading partners.

GAS INDUSTRY

The Hon. T.R. KENYON (Newland) (15:08): My question is to the Minister for Mineral Resources and Energy. What steps is the government taking to ensure gas production in this state meets demand and keeps downward pressure on prices?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:08): Mr Speaker, you would be aware that at a national level there has been a great deal of concern raised about the looming shortfall of gas supplies on the east coast. In a nation with such an abundance of natural

resources, it is unimaginable that Australia could face shortfalls in the supply of gas. Indeed, it would be idiocy.

These shortfalls mean that industrial and even residential customers are facing spiralling prices as gas is locked up in the ground. It is an unacceptable situation that has been exacerbated by bans on onshore exploration and gas production. These bans defy the science that has again and again shown that, appropriately regulated—

Mr Bell interjecting:

The Hon. A. KOUTSANTONIS: —we can minimise risks in the gas extraction industry to acceptable levels.

The SPEAKER: I call the member for Mount Gambier to order.

The Hon. A. KOUTSANTONIS: The Prime Minister has written this week to New South Wales, Victoria and the Northern Territory to urge those respective governments to remove these unnecessary obstacles. Notably absent from the list of correspondents is South Australia, and that is because in South Australia—at least on this side of the house—we acknowledge that the best way to keep downward pressure on prices is to encourage supply, not threaten bans on exploration in the South-East, where the Otway Basin has had a long history of safe gas production.

The Prime Minister has described the inaction by some state governments to develop gas resources as a 'comprehensive failure'. In a letter to the NT Chief Minister, Mr Turnbull was reported to state that their government's fracking moratorium is 'putting our energy security, industry and Australian jobs at risk.' At an *Australian Financial Review* business summit in March the Prime Minister also remarked:

> We are facing an energy crisis because of these restrictions on gas. What we have now is a scarcity of gas driven by politics because state governments are not allowing exploration and development of onshore gas.

Even the federal energy minister said that states must face up to the effects that 'mindless moratoriums' are having on power prices. Perhaps members opposite should pay attention to their colleagues' advice so that they do not inadvertently exacerbate the crisis, in the unlikely event that they have to cobble together a government.

The success of the $24 million first round of PACE gas grants prompted the government to offer a second round of grants to energy companies to accelerate projects that can supply gas to the local market. Grant recipients are required to offer discovered gas initially to local generators, and then industrial customers and households before it can be offered to the offshore or interstate market. By the close of applications for round two, 15 applications had been received on behalf of 11 companies through six operators, representing a strong diversity of projects. They are being assessed to ensure they meet the criteria and we will announce the successful applicants next month. I will update the house on the outcome.

Meanwhile, all projects that have received first round grant funds are proceeding on schedule, including Beach Energy's Haselgrove 3 well in the Otway Basin, where drilling began last week and which should take about eight weeks to complete. I would like to take this opportunity to again thank and congratulate Beach Energy, a proud South Australian company that employs South Australians and is headquartered here, on their acquisition of Lattice Energy and their investment in the South-East of our state.

GOLDEN GROVE POLICE STATION

Mr KNOLL (Schubert) (15:12): My question is to the Minister for Police. Does the minister stand by comments made by the previous minister for police in the north-eastern Messenger of 23 August that, in relation to the Golden Grove Police Station, reduced opening hours allowed for a sergeant and six officers to be out on the beat?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:12): I thank the member for his question. In terms of the specific comments, I will have to examine the details in regard to the Golden Grove Police Station in detail, but I remind the member of what I said

yesterday in relation to a number of these questions. Firstly, that this is a process that is underway from the police commissioner himself, who has oversight and operational control of SA Police, and that the intention of it is to ensure we have a modern, well-resourced and well-deployed police force in this state, one that is best able to respond to the needs of our modern state.

This is something in which we do not seek to intervene, in terms of detailed operations of the work of the police commissioner. Sadly that is not everyone's viewpoint, and there are some plans from those opposite to issue directions as to how the police commissioner would operate, whether that is sending drug dogs into schools or the like. We support the police commissioner's work—

Mr KNOLL: Point of order: the minister is not answering the substance of the question, which related specifically to the Golden Grove Police Station.

The SPEAKER: I uphold the point of order.

The Hon. C.J. PICTON: We support the police commissioner's work to ensure that as we recruit extra police, and we are deploying hundreds of extra police across South Australia to ensure there is the best possible response—

The Hon. J.M. Rankine interjecting:

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

The Hon. C.J. PICTON: —to the operational and policing needs of our state—

Ms CHAPMAN: Point of order: the minister has already indicated that he will get an answer and come back to the house on the question.

The SPEAKER: Does the minister have anything more germane to the question?

The Hon. C.J. PICTON: I would just summarise by saying that we support the operational reforms that are about delivering extra police on the beat and supporting our community.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:14): My question is to the Attorney-General. In relation to the DPC's recruitment of Veronica Theriault, has the Deputy Premier received the information he undertook to seek yesterday on the following matters: any security breach, including her access to cabinet documents; any action taken against the two other panel members; and, thirdly, whether the contractor who was terminated was involved in the negotiation of the government's $400 million contract with DXC for computer services and, if so, will he tell the house what he has been told?

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) (15:15): I thank the honourable member for her question. Ever since she asked me that question yesterday, I have thought that it's important that I try to obtain a good answer. So today, during the cabinet meeting, I saw Dr Russell there, and I said to him, 'Can I speak to you please after the cabinet meeting?' He said yes. So he came up to my room, and I said, 'Dr Russell, something very, very important happened yesterday.' He said, 'What was that?' I said, 'The deputy leader asked me a series of questions.'

Members interjecting:

The Hon. J.R. RAU: I did, I had this conversation with him, this day—this very day. He said, 'Can you remember all the questions? I said, 'No, I can't, but there were a number of them, and I think they were very good questions and, if you wouldn't mind, would you please consult *Hansard* and make sure that you or somebody who reports to you does your very best to provide an answer to the honourable deputy leader for those questions?' He said yes, and I saw him actually note, 'Check *Hansard*.'

Ms Chapman: And you haven't heard from him since?

The Hon. J.R. RAU: Well, he has only had a couple hours to do it.

Ms Chapman: Come on. Are you suggesting he didn't know about this yesterday?

The Hon. J.R. RAU: Well, I'm not sure whether he was watching the television yesterday. I think he had other things to do. But I tell you what, once he had heard from me this morning, he was under no illusions whatsoever about the priority of this matter, and he undertook that he would get on with it.

Grievance Debate

SOUTH AUSTRALIAN FOOTBALL

Mr WINGARD (Mitchell) (15:17): I rise today, probably appropriately as the shadow minister for sport, and a big football fan, to speak about some great football results. We know that women's football has had a great run, and a great success with the women's Adelaide Crows winning the grand final. Of course, this weekend the men are hoping to follow suit and give the Adelaide Football Club two premierships in the one year, which would be absolutely outstanding.

I would like to take this opportunity to congratulate Rob Chapman, Chairman of the Adelaide Crows; Andrew Fagan, CEO; the captain of the Adelaide Football Club, Taylor Walker; and coach, Don Pyke; all the support staff; and all the players, of course, who have put in such a big effort to get the team there. It is going to be a wonderful weekend for South Australia and, as the team for all South Australians, I hope everyone is getting right behind them. Having won in 1997 and 1998, it would be sensational for all those long-suffering fans who have not had any success for nearly two decades to get a win this weekend, so all the best to the Adelaide Crows.

It is probably also opportune that I mention the SANFL grand final last weekend. Well done to Sturt—a marvellous result with a one point win over the Port Magpies. Again, Marty Mattner, was there leading the way as coach of the Sturt Football Club. It was a thrilling game and great to see that our SANFL competition is still a great spectacle, producing wonderful footballers. Well done to all the Sturt players involved. It was a fantastic result.

I would also like to commend the Adelaide Footy League. John Kernahan does a marvellous job as CEO. Across our side of the house, I know everyone has involvement with quite a few of the teams. I will run through some of them. Unfortunately, I do not have time to go through all of them. In the grand final, in Division 1, Rostrevor defeated Payneham Norwood Union. I feel for my colleague Vincent Tarzia, the member for Hartley, who was a Rostrevor old collegian himself. He is a very strong supporter of the Payneham Norwood Union Football Club. It was a great result, and well done to Rostrevor on winning that one.

In the reserves, the Goody Saints defeated Adelaide University. I was a Goody Saint myself for a little while there, although I did not play too many useful games. It is a great footy club, and they won the reserves. In Division 2, Henley—I know Matthew Cowdrey, the Liberal candidate for Colton, has been heavily involved with the Sharks and even bumped into a couple of the boys when they were having some drinks on their Mad Monday. Well done to the Henley Sharks beating the Raggies, Athelstone.

In the Division 2 reserves, Sacred Heart Old Collegians defeated Henley, so Henley backed up in two games. A good mate of mine, Luke Paparella, played for SHOCs in their win, so congratulations to SHOCs. In Division 3—this is very close to my heart—I would like to congratulate the Brighton Football Club that came from the Southern Football League and across into the Amateur Football League this year and won the Div 3 grand final. It was an outstanding game and a great result for the footy club. They beat Golden Grove, the Kookaburras, who are an exceptional football club and will just go from strength to strength. They are really building a great club there. Well done to the Bombers—it was a magnificent win.

It was great to see Jack Chalmers, one of the young players who was in that side, play so well in the grand final. He is just a teenager. Jack Juniper kicked four. Well done also, of course, to Joel Tucker, the coach there, and Will Rivers ('Buckets') the captain—an outstanding achievement. Brighton did manage to win the reserves as well. That was great to see again some young lads who I have had an involvement with there at the Bombers. They beat Flinders Park. Jarryd Brown, Jacob Kalleske and Danny Juckers played and, of course, Travis Kalleske coached the reserve side there. Well done to Trav. He is a really great club man as well.

In Division 4, North Haven defeated Morphettville. I have to mention that because I have to mention that Eddie Doak failed to fire in the grand final, which was disappointing for the Morphettville boys, but the Roos are always a good footy club, and well done to them. I know Stephen Patterson, the Mayor down at Holdfast Bay, has a bit to do with the Morphettville Roos. Those are some of the teams in the Adelaide Footy League, the former amateur footy league. It is a great competition and well done to everyone involved there also.

That brings me to some more of the community footy champions. When I was at the Sturt game, I got the old budget. I love the old budget as an old football fan. It had a list of some of the great country comps that are around and who played in the grand finals and won. I thought I would mention a few of those because it is absolutely fantastic. I am led to believe that David Basham was cheering the loudest when Mount Compass beat Willunga in the Great Southern grand final, and well done to Nathan Daniel as well from Mount Compass who won the male medal there.

Western Districts on Kangaroo Island defeated Dudley United. Andy Gilfillan was there watching Wonks win and he also sadly watched his daughter from Dudley go down to Wisanger in the netball grand final, which was disappointing, but it was good to have him around.

Well done to Jake Niven who played in the Peake grand final, along with the member for Hammond Adrian Pederick's son, who played in that game as well. Well done to them. Mypolonga were too good for Meningie in the River Murray league. James Moss was outstanding. Sadly, my boy played in that game and went down, but Brodie Martin was the male medallist there. Flagstaff Hill in the southern footy league went back to back there. There were some great comps and congratulations to everyone who played in the grand final and more specifically everyone who won. I hope they enjoyed it and, again, good luck to the Crows this weekend.

The DEPUTY SPEAKER: You did not mention the Pooraka Bulls under 12s, but they are premiers as well.

STATE INVESTMENT

Mr HUGHES (Giles) (15:22): I might as well start on a football theme as well, but it will not take up the whole of my grievance debate. As a Port Power supporter, I think I will let this coming weekend go past in silence. Obviously, after last weekend, as a Port Magpies supporter, I am going to have to let that go past in silence as well, but I would have to say that, in my community of Whyalla, I did have a bit more success. Westies took out the championship there—a great team. That was a very good, very long and very enjoyable night celebrating that particular victory.

I always appreciate these breaks from parliament because it gives the opportunity to get around the vast electorates. I was in Roxby Downs, Andamooka, Quorn, Hawker, Kimba and obviously Whyalla, and shortly I will be going up to Coober Pedy, the APY lands and, with a bit of luck, I will get to William Creek, Oodnadatta and Marla as well. I took a bit of a trip outside of the electorate to Wilpena Pound to represent the Minister for Environment at the co-management parks workshop. That was a very worthwhile exercise.

What I want to talk about is the sort of disconnect between what is going on sometimes in Adelaide and the comments made by those opposite when it comes to investment in our great state. The message that is being sent is often a very negative message. One of the great things to happen recently was OZ Minerals giving Carrapateena the green light. Up in the north of the state, we all think that is absolutely fantastic news. That is over a $900 million investment and around about 1,000 jobs made up of construction jobs, mine development jobs and the ongoing employment that is going to be generated.

I was absolutely staggered, in response to that great announcement by OZ Minerals, to hear the member for Bragg—and not even damn it with faint praise—put an incredibly negative light on it: 'They are just here to extract the minerals and it will be fly-in fly-out,' almost implying that there is very little in the way of benefit for not only South Australia but regional communities. OZ Minerals has made it very clear that, in as much as they can, they will be looking for people from the broad region to fill those jobs. They will also be looking to ensure that local contractors get a good look in, so it is an incredibly positive story.

There is a wealth of positive stories at the moment. I will not go into detail about Liberty and SIMEC, and the way SIMEC has got into bed now with ZEN Energy. SIMEC now has majority ownership of ZEN, and I am looking forward to highly innovative energy approaches in Whyalla. I am quite proud of the fact that, when I was at the tail end of my time on council, after working on a concentrating solar thermal project for many years until ARENA pulled the $60 million in funding for probably understandable reasons at the time, I just dusted myself off, approached ZEN and invited them to come and have a look at Whyalla.

We showed them around with the late mayor Jim Pollock, and they have been coming backwards and forwards to the Whyalla community ever since. I hope to see ZEN and SIMEC carry out some worthwhile activity in Whyalla. Then, of course, there is SolarReserve north of Port Augusta with 600 jobs there during construction. There is a $600 million investment at Olympic Dam; there will be over a thousand people on site there very soon.

There is also the SSE solar plant in Whyalla under construction with 90 per cent local contractors. We have Adani making their announcements: a $200 million investment in Whyalla, and hopefully they are going to use local contractors as well. We have pre-pumped hydro studies going on in the immediate region of Whyalla, and there are a raft of other projects, so the future is actually incredibly bright.

SCHUBERT ELECTORATE

Mr KNOLL (Schubert) (15:27): I rise also to wish the Crows well on the weekend. I have my scarf here ready to go and I look forward to sitting down with my five-year-old nephew as he hosts us and the rest of the family for the Crows game on Saturday afternoon. I hope for all of South Australia's sake, but especially his sake, that the Crows get up on the weekend. We have been trying to counsel him to make sure that he can withstand a potential loss, not that that is what we are considering.

I rise today to talk about some brilliant things that have happened in recent months in the beautiful electorate of Schubert. On 28 August, we had the 14th Marananga Wine Show, which is the greatest little subregional wine show in Australia. It showcased wine from the western area of the Barossa and is an initiative started up by the Gnadenfrei Lutheran Church. Over 340 people attended the event at Seppeltsfield.

There were 133 wines that were entered and there was a public tasting where guests got to taste the wine and cast their vote for the people's choice, which this year was won by the 2016 Rolf Binder Magpie SF2 Mataro Grenache. I would like to thank all the judges, the committee and those who get behind the awards: Whistler Wines, Hentley Farm Wines and certainly Rolf Binder wines. There are a lot of great wineries in the western area of the Barossa that do a fantastic job to promote a beautiful part of South Australia, and a part of South Australia that is extremely productive.

We move on to the big show, the big Barossa Wine Show presentation dinner, which I attended on 14 September. Around 400-odd people were crammed into Lambert Estate, which was a new venue for the first time in a few years, and there was much to celebrate on the night. There was certainly a renewed sense of optimism after a few low-yielding years. The Barossa yield was up 32 per cent in 2017, from 2016, to 85,149 tonnes, with an increase in value of Barossa wine grapes up 41 per cent on 2016 to $168 million. That is a lot of money that could be used to retire debt, to buy some new farm machinery to replant and to inject back into the local economy.

There were 722 entries, as well as the Wine of Provenance entries, from 108 exhibitors. There were 53 gold, 93 silver and 227 bronze medals awarded on the night, and I would like to particularly congratulate the most successful exhibitors: in the small producer category, Red Art Rojomoma; in the medium producer, the Sons of Eden, which had an aged riesling there on the night which I think was from 2002 or 2006 and was a phenomenal old wine that tasted as fresh as the day it was bottled, an absolutely stunning wine that no doubt contributed to their win; and also the large producers, Cellarmasters, which came up with some really good product to enter into the show.

There was a little bit of controversy on the night. The longstanding MC, Matt McCulloch, called me out two years ago. He wears his culturally appropriate dress every year he goes: he wears his kilt. Two years ago I may have suggested, sometime late in the evening, that I join him. Last year,

I failed to do it, so in front of 500-odd people he stood up and shamed me as a typical pollie who did not keep his promises. I was not going to make the same mistake this year. I had the lederhosen on in full regalia and, to his credit, he did make mention of it to the entire audience, who seemed to take it all in good humour. Certainly, there were a few photos of the two of us together, making sure that there was some ethnic diversity to the event.

I thank the judges and the committee. It is a phenomenal effort. People think it would be a lot of good fun to go and taste some wines and taste some beautiful Barossa produce, but 722 entries take a lot of work. There is a whole heap of people who go into the event—a judging panel of somewhere between 15 to 20 people. I would like to specifically thank the crew at BGWA and especially the hardest working operator in the Barossa, Ashleigh Fox, who does a whole heap across a whole range of different areas to make these kinds of shows happen.

I cannot go anywhere without mentioning the annual gourmet weekend event, which was another success. I did get out on the Sunday morning for a couple of hours with the father-in-law to Gibson's. Congratulations to Tourism Barossa on a fantastic event that showcases the best of the Barossa. I say a parting thank you to Andrew Dundon, who is finishing up at the end of this festival, for his service over the past couple of years. He will definitely be missed.

Despite the wintry conditions on the Sunday, following a beautiful day on the Saturday, local participation and ticket sales were up by 31 per cent. It is brilliant that the member for Barker announced that he is putting in $42,000 from the Building Better Regions Fund to help make this a seasonal event.

MEAT AND LIVESTOCK AUSTRALIA ADVERTISEMENT

Ms WORTLEY (Torrens) (15:32): I rise to add my voice to those who have expressed their disappointment with the recent portrayal of the Hindu god, Lord Ganesha, in a recent Meat and Livestock Australia television commercial.

In my electorate of Torrens, I am privileged to serve a wide variety of communities and faith groups. We pride ourselves here in Australia on our diversity and fully espouse the principles of multiculturalism that have made our wonderful country what it is today. But sensitivity is key to the continued success of what are so widely acknowledged as such harmonious co-relationships.

Torrens is home to significant Indian and Nepalese Hindu and Chinese and Vietnamese Buddhist communities, and many members of these communities are vegetarian. Representatives of these, along with the High Commission of India and peak bodies such as the Hindu Council and Indian Forum Australia, have expressed their concern about the juxtaposition of an embodiment of Lord Ganesha, a vegetarian, at a table at which meat is served and alcohol consumed.

Only yesterday, I met with the newly elected committee of the Indian Australian Association of South Australia who similarly articulated their members' concerns about the commercial. These are not the only communities who have indicated their displeasure at the characterisation of their deities and prophets in the advertisement. Leaders of the Greek Orthodox Christian Church, the Australian Federation of Islamic Councils and the Church of England have expressed similar views.

While we all appreciate our larrikin Australian sense of humour, the view of many of our fellow Australians is that religious sensibilities should always be taken into account and treated with respect. In this case, it is the view of some in our community that those sensibilities have not been sufficiently observed. Soon, these communities will be acknowledging the five-day Hindu Festival of Light, Diwali, which is celebrated by many millions of Hindus, Sikhs and Jains right around the world. Diwali, which coincides with the Hindu New Year, is a celebration of light over darkness, of good over evil and of new beginnings.

Perhaps it is time for new beginnings in the way we show our respect for and our empathy with our multicultural communities. I hope that those who, undoubtedly in good faith, create commercials such as the one I am discussing will in future be more mindful of the views of all who make up our extraordinary community, unique in the world and so much admired from afar.

REGIONAL HEALTH SERVICES

Mr TRELOAR (Flinders) (15:35): This week, in this place we have been debating the inquiry into regional health services, which was referred to the Social Development Committee as a result of a number of concerns raised following the implementation of the Health Care Act, the subsequent dismantling of hospital boards and the restructuring of the health system. The inquiry was guided by principles which underpin the state's universal healthcare system and which provide that all South Australians shall have equitable access to appropriate health care. The governance framework of such a system should ensure that some people are not left behind merely because of where they live relative to a city or regional centre.

The committee acknowledged and commended the many individuals, groups and organisations who work tirelessly in both paid and unpaid positions for the benefit of their communities and country health services. From the organisation of fundraising events to raise money for new medical equipment, to volunteers and the South Australian Ambulance Service, to providing local tradespeople with employment, the numerous examples in the evidence are reflective of the spirit of country people and the investment they make in their health service resources.

Consistent with the image of country people as resilient, resourceful and generous, the large volume of evidence brought before the committee showed the unique and committed relationships many country towns have with their health services. Many of the submissions were received by the newly formed health advisory committees (HACs), and of particular concern to many of the HACs who gave evidence was the lack of financial information being provided by Country Health South Australia.

The issue was raised that there were operations in which the HACs could potentially have a meaningful role, such as service planning, but were not able to contribute due to limited input into hospital budget planning. HACs reported that they had little control over the use of funds they were able to raise. Evidence indicated a general lack of confidence that the goods and services that HACs intended to use fundraising moneys for were in fact used for that purpose. In the 2017-18 state budget, the $1.1 billion health spend by the state government did not allocate a single dollar for capital investment in country hospitals or health services.

If elected in March 2018, a Marshall Liberal government will fix the backlog in country capital works by ensuring that all money raised in local communities is spent in those communities. It will act with urgency to address high-risk repairs and maintenance in country hospitals. We will implement a country capital works renewal strategy to address the maintenance backlog and plan positively for future development. We will develop arrangements to retain part of the private patient income in local hospitals for the benefit of local services.

Health advisory councils will be empowered to control their trust funds. This will ensure that locally generated funds meet local needs, protecting private donations and enabling local management of bequests. A Liberal government will also respect the valuable role of community-raised and generated funds and allow them to resource buildings, equipment and research in regional areas. This is what country people are crying out for. They have been so involved in the building, development and provision of country health services in their townships, and they feel that the government has walked away from them.

One of the recommendations, 12(b), includes Trends in Local Community Fundraising for Medical Equipment and Services and how funds currently and previously raised by local communities are held and spent with regard to authorisation on decision-making. Of course, the other recommendation is for a change of policy to the timing of provision of finalised operational budgets in country hospitals.

It would be remiss of me to talk about country health without talking about the Patient Assisted Transport Scheme. After 7½ years in this place, it is still the number one issue that I and my office are dealing with. A review was undertaken a couple of years ago; some of the recommended changes were made and implemented, but the scheme as a whole is falling a long way short of providing what it should for country people—the opportunity to travel safely and affordably to seek professional help in a faraway place. Unfortunately, bureaucrats appear to be overriding the directives of a GP, and it is a sad situation when that can occur.

HEALTH SYSTEM

The Hon. J.M. RANKINE (Wright) (15:40): I am pleased to be following the member for Flinders in discussing health issues in South Australia. What this Liberal opposition wants is people to believe that they are somehow born-again supporters of the public health system in their desperation to finish their 16 years of opposition in this state, the longest serving opposition in Australia.

I am going to take a few minutes today to outline just a few of my experiences of the debacle of a health system in the northern suburbs, specifically what local people had to endure when the Liberals were last in government. First, I will look at Modbury Hospital. It was a Labor government that built Modbury Hospital, it was a Liberal government that privatised it. After the 2002 election when Labor took government again, Labor saved it by bringing it back into public hands.

Modbury was the Liberals' first attempt at privatising a hospital, but it was not going to be their last. The quality of patient care was appalling under private management and Healthscope, the private operator, ended up desperate to get out of its contract. MPs were bombarded with complaints, and I was no exception. There were heart-wrenching cases, cases of neglect and incompetence, and I have a file drawer full of complaints.

To give some idea of what locals had to endure when the Liberals ran our health system, I refer to a case of cancer patient Jimmy Queenan. He had fallen from his bed because, despite repeated requests, no sides were provided to prevent him falling. Sadly, Mr Queenan spent the last days of his life naked on the hospital floor, covered only with a sheet. This was a shocking case, and I apologise to members of the family if my raising this again brings back the hurt they suffered, but it is important that people understand what a Liberal government would do to a health system given the chance. I have no doubt the circumstances of Mr Queenan's passing still haunt his family today.

Another constituent was given morphine, despite his chart clearly documenting he was allergic to this drug. If I recall correctly, it was recorded no less than four times, yet he was asked simply, 'Why don't we just give it a go?' This patient discharged himself from hospital. Then of course, there was my dad—79 years old, a stroke victim with limited mobility and communication—who was taken from his hospital bed to be transferred to the repatriation hospital, knowing it was full to capacity and that he would have to sit and wait all night for a bed.

There were plenty of beds at Modbury, because by this time no-one wanted to be treated there such was their reputation. The transfer did not happen because of my intervention. The next day we were told the transfer would occur as a bed was available. When we got to the repatriation hospital, they could not find him. He had been left at Modbury in an empty ward all day, sitting on a chair, with his clothes in a paper bag. They forgot to arrange transport. Worse, they forgot he was even there. He was completely disregarded by those caring for him in the Liberal privatised Modbury Hospital.

They are just three examples of what Modbury was like under the Liberals. People would plead with ambulance officers not to take them to Modbury. Nursing staff did not want to work there. The Liberals in this state have no shame in peddling fear and lies about the Modbury emergency department which is a 24-hour seven days a week service. I will read from *The Advertiser* newspaper of 11 May 1998 under the headline, 'Saving lives on the front-line'. It is an article essentially about Dr David Pope, a familiar name, I know. Let me quote from the article:

> The State has only 11 fully qualified emergency room doctors—but 50 are needed. And it will be at least another five years before enough pass through the training system to fill the gaps.
>
> Last Sunday, the Noarlunga Hospital's emergency room had to close for the third time in two years when its only doctor called in sick. Australian Medical Association State president Dr Trevor Mudge says there simply aren't enough qualified doctors, or nurses for that matter, to go around.

Imagine closing the emergency services because the only doctor was sick. The whole system was sick under the Liberal government. I will continue my remarks at a later date and include in those circumstances around the Lyell McEwin health service and the state that was in, and what people had to endure in the northern suburbs. People need to remember—and think very hard—that when they vote they will be voting at the next election for their health and wellbeing, and they cannot trust the Liberals to deliver.

Bills

JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:46): Obtained leave and introduced a bill for an act to amend the Judicial Conduct Commissioner Act 2015. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:46): I move:

That this bill be now read a second time.

This bill makes miscellaneous amendments to the Judicial Conduct Commissioner Act 2015. The act was passed by the parliament on 29 October 2015 and received the Royal Assent as No. 34 of 2015 on 5 November 2015. Since that date, the Governor has appointed the Independent Commissioner Against Corruption, the Hon. Bruce Lander QC, as the first Judicial Conduct Commissioner with the approval of the Parliamentary Statutory Officers Committee.

The amendments contained in this bill were requested by the commissioner and the Crown Solicitor, and operate to clarify some aspects of the act, and to improve the efficiency of the judicial complaints process. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill allows the Commissioner to investigate if further information or new evidence enlivens a complaint that would otherwise have been dismissed, and also allows the Commissioner to summarily dismiss complaints that could be dismissed under section 17, but without the need to conduct a preliminary examination or to give notice of the complaint to the judicial officer concerned or to the jurisdictional head. This will assist to reduce the administrative burden on the office of the Commissioner.

The Bill provides that the identity of the complainant need not be provided to the judicial officer concerned or to the relevant jurisdictional head unless the complainant consents to the disclosure or the Commissioner is of the opinion that the disclosure of the complainant's identity is necessary in order to ensure that the judicial officer is able to properly respond to the complaint or to ensure that the relevant jurisdictional head can properly deal with the complaint. This is essential to encourage complaints to be made to the Commissioner, especially coupled with an amendment to make it clear that any acts of victimisation from a judicial officer towards a complainant can itself be conduct that is the subject of a complaint. It is important to the Commissioner and to the Government that lawyers not be dissuaded from making complaints due to fears of retaliation when they next appear before that judicial officer.

The definition of 'relevant jurisdictional head' where the person the subject of the complaint is themselves a jurisdictional head has been amended to refer to the Chief Justice of the Supreme Court, meaning that complaints about a jurisdictional head are referred to the Chief Justice.

The Bill also makes several minor points of clarification, including requiring a copy of the report of the Judicial Conduct Panel be provided to the Commissioner, providing that where the Commissioner is also the Independent Commissioner Against Corruption, a person employed under section 12 of the *Independent Commissioner Against Corruption Act 2012* and directed to perform duties under the *Judicial Conduct Commissioner Act 2015* or a person seconded to assist the Commissioner be included as a 'member of the Commissioner's staff' and making it clear that that the Commissioner has the explicit power to consider conduct that occurred prior to the commencement of the *Judicial Conduct Commissioner Act 2015.*

Finally, the Bill makes an amendment to address the circularity of the current section 33, which provided that a person must not, except as authorised, publish information relating to a complaint if the publication was prohibited. The section has been amended to clarify that information cannot be published unless authorised by the Commissioner.

The provisions in this Bill will assist the Commissioner in effectively undertaking his duties, and will clarify the operation of the *Judicial Conduct Commissioner Act 2015.*

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Judicial Conduct Commissioner Act 2015*

4—Amendment of section 4—Interpretation

This clause makes a minor change to the definition of *relevant jurisdictional head* to make it clear that, where a complaint relates to a jurisdictional head, the Chief Justice of the Supreme Court is the only relevant jurisdictional head for the purposes of the complaint. The clause also clarifies that acts of victimisation by a judicial officer may be the subject of a complaint under the Act.

5—Amendment of section 5—Application of Act

This clause clarifies that the principal Act can apply to conduct occurring before its commencement.

6—Amendment of section 10—Staff

This clause ensures that section 10 properly reflects the position in relation to staff under the *Independent Commissioner Against Corruption Act 2012* by referring to staff of the Independent Commissioner Against Corruption (and not just staff of the OPI).

7—Amendment of section 12—Making of complaints

This clause allows the Commissioner to determine not to give any notices under subsection (3) in relation to a complaint until the Commissioner has determined whether the complaint is one that must be dismissed under section 17(1).

8—Amendment of section 13—Preliminary examination of complaints

This clause allows the Commissioner to dismiss a complaint before conducting a preliminary examination if the Commissioner determines that the complaint is one that must be dismissed under section 17(1). In addition, if the Commissioner exercises this power to dismiss a complaint, the Commissioner is not required to give any notification in relation to the complaint to the judicial officer who is the subject of the complaint or to the relevant jurisdictional head.

9—Amendment of section 16—Discretionary dismissal of complaint

This clause amends section 16 to ensure consistency of wording and to allow for discretionary dismissal of a complaint where the Commissioner has previously considered the subject matter of the complaint or the Commissioner has determined that the subject matter of the complaint could not, if substantiated, warrant the taking of any action. Currently these are grounds for mandatory dismissal under section 17(1)(g).

10—Amendment of section 17—Mandatory dismissal of complaint

This clause deletes section 17(1)(g) (consequentially to the amendments to section 16) and provides that, if the Commissioner dismisses a complaint under this section, the Commissioner is not required to give any notification in relation to the complaint to the judicial officer who is the subject of the complaint or to the relevant jurisdictional head.

11—Amendment of section 18—Referral of complaint to relevant jurisdictional head

This is consequential to clauses 8 and 9.

12—Amendment of section 25—Report by panel

This amendment requires the report of a judicial conduct panel to be provided to the Commissioner.

13—Amendment of section 27—Commissioner's annual report

This is consequential to clauses 8 and 9.

14—Amendment of section 30—Immunity from liability

This amendment ensures that the immunity from liability under section 30 extends to persons exercising, or purportedly exercising, powers or functions under the Act in accordance with a staffing arrangement established under section 10.

15—Amendment of section 32—Confidentiality, disclosure of information and publication of reports

This amendment requires that a notification required to be given by the Commissioner under the Act to a judicial officer or jurisdictional head must not disclose the identity of any complainant except in certain circumstances.

16—Amendment of section 33—Publication of information and evidence

Currently section 33 allows the Commissioner to prohibit the publishing of information or evidence relating to a complaint but then allows publication of material the subject of a prohibition in accordance with a specific authorisation by the Commissioner or a court. Under the proposed amendment, publication would only ever be allowed in accordance with a specific authorisation by the Commissioner or a court (so there would be no need for any initial prohibition by the Commissioner).

Debate adjourned on motion of Mr Treloar.

CRIMINAL LAW CONSOLIDATION (CHILDREN AND VULNERABLE ADULTS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:48): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:48): I move:

That this bill be now read a second time.

Today, I introduce a bill to amend the Criminal Law Consolidation Act 1935 to continue the government's efforts to ensure that children are comprehensively protected under the law. Once the bill has been introduced, the government will consult with interested persons on the bill. If feedback received during consultation means that changes are needed to the bill, I will move such amendments as may be necessary. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Section 14 of the Act creates an offence that attributes criminal liability to carers of children under 16 and vulnerable adults where the child or adult dies or is seriously harmed as a result of an unlawful act. The offence occurs where the accused had a duty of care to the victim but failed to protect the victim from harm that the accused should have anticipated. Section 23 of the Act creates the offence of causing serious harm to another, whether intentionally or recklessly.

For the purposes of the section 14 offence of criminal neglect of a child under 16 or vulnerable adult, 'serious harm' currently means—

(a) harm that endangers, or is likely to endanger, a person's life; or

(b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in, serious disfigurement.

'Serious harm' under section 23 of the Act has a similar definition.

The Bill I am introducing addresses shortcomings in the definition of 'serious harm' as it applies to children who are the victims of the offending (i.e. children who are injured but not killed). Children generally have a superior ability to heal from injury compared to adults. Where the victim of an alleged offence under section 14 or section 23 is a child, it may therefore be difficult to establish the elements of the offence, particularly that the child has suffered 'serious harm' as defined.

The Government has been advised that major injuries that would amount to 'serious harm' when sustained by an adult may not have this result when sustained by a child. This is because, although suffering much pain and distress from serious injuries, children possess a natural ability to recover quickly and fully that adults do not possess. As a result, the definitions of 'serious harm' for the purposes of the offences created by sections 14 and 23 do not cover many serious injuries to children and are more apt to address serious injuries to adults. For example, a baby of

3 months of age who sustains multiple leg fractures or multiple serious injuries causing pain and suffering will, however, most likely recover quickly with no impact on his or her development because of the infant's capacity to repair and their young age. The injury is not likely to be considered a 'serious and protracted impairment'. People who inflict such injuries on children may therefore escape criminal prosecution. If an adult suffered the same injury, there would most likely be a permanent impairment as a result.

Parliament did not intend for people who harm children to escape liability in this way, and these anomalies should be corrected. The Government proposes to amend the Act to ensure that the offences in sections 14 and 23 of the Act are capable of extending to injuries inflicted on children notwithstanding their greater capacity to heal.

If passed by Parliament, the Bill would insert new section 13B in the Act and amend existing section 21. The new provisions would in part provide that in determining whether a child has suffered a protracted impairment of a part of the body or a physical or mental function, the impairment may be determined to be protracted even where the healing time of the impairment in a particular child is significantly shorter than a similar impairment in an adult. The determination is to be made having regard to all of the circumstances of the child, and in particular to their age and development.

The maximum penalty under section 14 for causing serious harm is increased in the Bill to 10 years. The current 5 year maximum penalty for that offence is too low. This increase reflects the fact that 'serious harm' could involve injuries as serious as permanent brain damage and also has the effect of aligning these penalties with the penalties under new section 14A.

The shortcomings of the definition of 'serious harm' have also highlighted that the present law is such that an abusive parent can only be prosecuted if there is either criminal neglect leading to death or serious harm or there is clear proof of an actual assault or a definite act giving rise to a real risk of harm or serious harm. There is no general offence of child abuse, cruelty or neglect as there is in some other jurisdictions, including the United Kingdom, New Zealand, Queensland and the Australian Capital Territory.

This means that in South Australia the situation must reach the point where there is clear proof of some specific offence, rather than proof of cruelty or a sustained course of abuse or neglect, before an abusive or neglectful parent or carer can be prosecuted. This arguably undermines the protection that the criminal law should extend to children and the ability of the State to punish abusive parents.

The Bill therefore includes new section 14A which creates a new offence of ill treatment of a child or vulnerable adult who dies or suffers harm and to whom the defendant had a duty of care. To be found guilty, it needs to be proven that the defendant was, or ought to have been, aware that there was an appreciable risk of harm to the victim by an act, omission or course of conduct of the defendant but the defendant failed to take steps that he or she could reasonably be expected to take to protect the victim from harm. The maximum penalties under section 14A are imprisonment for 15 years if the victim dies, imprisonment for 10 years if the victim suffers serious harm and imprisonment for 3 years in any other case.

The Government expects that the changes to the definition of 'serious harm' as regards children for the purposes of sections 14 and 23 of the Act, and the creation of a new offence of ill treatment, will have the effect of increasing the success rate of such prosecutions and deter such conduct.

The Bill is consistent with the Government's response to the Child Protection Systems Royal Commission to review 'the suite of legislation concerning child protection, to ensure that children are comprehensively protected under the law.' (*Child Protection—A Fresh Start:* Government of South Australia's response to the Child Protection Systems Royal Commission report: The life they deserve, p18).

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Substitution of heading to Part 3 Division 1A

This clause makes a consequential amendment to a heading.

5—Insertion of section 13B

This clause inserts definitions for the purposes of the Division. In particular it should be noted that a reference to an *act* includes an omission or a course of conduct.

Proposed subsection (4) relates to the definition of *serious harm* and provides that an impairment suffered by a child may be determined to be 'protracted' for the purposes of the definition even where the healing time of the impairment in a particular child is significantly shorter than a similar impairment in an adult. The determination is to be made having regard to all of the circumstances of the child and, in particular, to their age and development.

6—Amendment of section 14—Criminal neglect

This clause increases the penalty for causing serious harm, corrects an error and deletes some interpretative provisions that are now being moved to proposed new section 13B.

7—Insertion of sections 14A and 14B

This clause inserts new sections as follows:

14A—Ill treatment

This proposed section creates a new offence of ill treatment of a child or vulnerable adult. The maximum penalty for the offence is imprisonment for 15 years if the ill treatment causes death, 10 years if it causes serious harm or 3 years if it causes harm.

14B—Failing to provide food etc in certain circumstances

The current section 30 is being moved into this Division (with minor changes for consistency of terminology).

8—Amendment of section 21—Interpretation

Proposed subsection (2) relates to the definition of *serious harm* in section 21 and provides that an impairment suffered by a child may be determined to be 'protracted' for the purposes of the definition even where the healing time of the impairment in a particular child is significantly shorter than a similar impairment in an adult. The determination is to be made having regard to all of the circumstances of the child and, in particular, to their age and development.

9—Repeal of section 30

This section is being relocated to Division 1A - see clause 7.

Debate adjourned on motion of Mr Treloar.

RESEARCH, DEVELOPMENT AND INNOVATION BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:49): Obtained leave and introduced a bill for an act to attract, support and facilitate opportunities for research and development and to foster innovation in order to benefit the state; and for other purposes. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:50): I move:

That this bill be now read a second time.

South Australia, with its population, demographics, environmental, social and political conditions, lends itself as a good place to test and pioneer innovative research and development projects. The nature of many research and development proposals means that there may be legislative or regulatory barriers that act as a disincentive to industry and entrepreneurs to pursue trialling them in South Australia. The Research, Development and Innovation Bill aims to attract innovative research and development proposals to South Australia and establish this state as a global leader in research, development and innovation trials. It will position South Australia as the first choice for industries engaged in research, development and innovation.

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

Leave granted.

There are currently limited legislative means for the government to readily remove or reduce legislative or regulatory barriers. This Bill will enable government to respond quickly and flexibly, and in appropriate circumstances to remove regulatory barriers in a manner that appropriately balances competing factors.

The Bill seeks to overcome these legislative or regulatory barriers by providing for a 'research and development declaration' to be made by the Governor, on the recommendation of a Minister. This declaration is a mechanism to temporarily suspend, modify or dis-apply laws that would otherwise prohibit the pursuit of an innovative research and development proposal.

A research and development application may, to the extent that the Governor considers it necessary for the purposes of the project or activity, provide that an Act, or provisions of an Act or other law, does not apply, or applies with specified modifications, in respect of the project or activity. The declaration may also impose conditions or other requirements that apply in respect of the project or activity.

The Governor must not make a research and development declaration unless satisfied that it is appropriate having regard to:

- whether the project or activity is consistent with the objects and purposes of the Act;
- whether the applicant possesses the relevant skills, experience or capacity to give proper effect to the project or activity;
- whether the project or activity is on balance in the public interest; and
- whether any risks identified in respect of the project or activity can be appropriately eliminated or minimised; and
- whether there is a risk of loss, harm, or other detriment to the community if the project or activity does or does not occur.

Further, the Governor must not make a research and development declaration unless the Governor considers that doing so will not give rise to any adverse effects to public health or to the environment. Finally, a research and development declaration may not dis-apply or modify the application of the *Aboriginal Heritage Act 1988*.

These are important considerations which will ensure that a declaration is only made in appropriate circumstances.

The Bill requires the applicant for a declaration to provide a detailed description of the project of activity, and to set out how the disapplication or modification of an Act or law is reasonably necessary for the purposes of the project or activity. The applicant is further required to include an assessment of the potential risks involved in the project or activity, with recommendations as to how any such risks may be eliminated or minimised. The Minister may request further information from the applicant prior to determining whether to make a recommendation to the Governor, including requiring the applicant to provide a report from an independent expert on any matter relevant to the application. Of course, the Minister may also require a public sector agency to provide information to the Minister to assist with making the decision about whether to make a recommendation.

Before making a recommendation to the Governor to make a declaration, the Minister is required to consult with other Ministers if the proposed declaration relates to an Act the administration of which is the responsibility of that other Minister. The Minister is also required to consult with any council the Minister considers would be particularly affected by the proposed declaration. It is also a requirement for the Minister to publish a proposed research and development declaration inviting comment from affected persons.

These requirements will ensure that the Minister is able to take into account all relevant factors, both positive and negative, when deciding whether it is appropriate to recommend that a research and development declaration should be made.

A research and development declaration must be laid before both Houses of Parliament and is subject to disallowance by resolution passed within 5 sitting days after the day on which the declaration is laid before the House.

The operation of a research and development declaration is limited to an initial maximum period of 18 months. There is scope for a further 18 month extension in special circumstances.

The Minister may require reports on the project or activity and the operation of the research and development application. This will enable appropriate monitoring and assessment of the impact of the research and development activity. There may be situations where recommendations as to law reform measures arise out of the operation or effect of the research and development declaration and the project or activity under the declaration. In these cases, the Bill provides for a Minister to prepare a report to be laid before both Houses of the Parliament on the operation and effect of the research and development declaration.

The Bill will positively impact the South Australian community by providing businesses and entrepreneurs with a pathway to test and pioneer innovative research and development projects or initiatives in South Australia. It will assist in attracting businesses, investment and people to the state. This will flow on to create employment and economic opportunities in South Australia, assist with transitioning the economy and cement South Australia as a global leader in innovation.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides for the short title of the Bill.

2—Commencement

This clause provides for commencement on a day to be fixed by proclamation.

3—Objects and purposes

This clause provides the objects and purposes of the measure which are to—

(a) create and promote opportunities for research, development and innovation in this State by ensuring that the legal and regulatory environment in the State is responsive and adaptable to such opportunities; and

(b) create an innovative approach to the delivery of public sector and private sector services; and

(c) expand and grow existing industries in the State and attract new industries to the State to increase employment and economic opportunities for the State and South Australians; and

(d) position South Australia as the first choice for industries engaged in research, development and innovation in order to secure broad public benefit; and

(e) to ensure that the public interest is protected and served in the making of a research and development declaration.

4—Interpretation

This clause provides defined terms for the purposes of the measure.

Part 2—Research and development declarations

5—Research and development declarations

This clause provides for the making of research and development declarations by the Governor in respect of specified projects or activities. A research and development declaration may be made by the Governor on the recommendation of the Minister if the Governor considers that the making of the declaration is appropriate having regard to—

(a) whether the project or activity is consistent with the objects and purposes of the measure; and

(b) whether the applicant and any related parties possess the relevant skills, experience or capacity to give proper effect to the project or activity; and

(c) whether the project or activity is, on balance, in the public interest; and

(d) whether any risks identified in respect of the project or activity can be appropriately eliminated or minimised; and

(e) whether there is a risk of loss, harm or other detriment to the community if the project or activity does or does not occur.

The Governor must also consider that the making of the declaration will not give rise to any adverse effects to public health or the environment.

A research and development declaration in respect of a project or activity may—

(a) to the extent that the Governor considers necessary for the purposes of the project or activity, provide that an Act, specified provision of an Act, or any other law does not apply, or applies with specified modifications, in respect of the project or activity; and

(b) impose conditions or other requirements that apply in respect of the project or activity.

A research and development declaration may not disapply or modify the application of the *Aboriginal Heritage Act 1988* or a provision of that Act.

6—Application for research and development declaration

This clause provides for applications for research and development declarations to be made to the Minister and such applications must—

(a) provide a detailed description of the relevant project or activity along with an explanation of how the project or activity is appropriate having regard to the matters referred to in clause 5 against which the Governor must assess the project or activity; and

(b) identify, so far as is reasonably practicable, any Act, any provisions of an Act, and any other law that operate to prevent or restrict the project or activity and how the disapplication or modification (subject to conditions or other requirements) of the identified Act, provision of an Act, or other law is reasonably necessary for the purposes of the project or activity; and

(c) include an assessment of potential risks involved in the project or activity with recommendations as to how any such risks may be eliminated or minimised; and

(d) include any other information required by the Minister.

7—Further information

This clause provides that the Minister may require an applicant for a research and development declaration to provide further information as the Minister reasonably requires to determine whether or not to make a recommendation to the Governor about making the declaration, such as a report from an independent expert relating to any matter relevant to the application specified by the Minister.

8—Public sector agency to provide relevant information

This clause provides that the Minister may require a public sector agency (within the meaning of the *Public Sector Act 2009*) to provide information to the Minister that the Minister reasonably requires in deciding whether or not to make a recommendation to the Governor about making a research and development declaration.

9—Consultation

This clause provides for consultation to be undertaken by the Minister in respect of a proposed research and development declaration. Before making a recommendation to the Governor in respect of a proposed research and development declaration, the Minister must consult with—

(a) any another Minister who is responsible for the administration of an Act to which the proposed research and development declaration relates; and

(b) any council the Minister considers would be particularly affected by the proposed research and development declaration such that they should be consulted,

and—

(c) take into account, as the Minister sees fit, comments received from affected persons in response to the publication of the proposed research and development declaration in accordance with the section.

In addition, the Minister must publish a proposed research and development declaration in accordance with the clause and take into account, as the Minister sees fit, comments received from affected persons in response to the publication and the Minister may also, as the Minister sees fit, take into account any comments received from any other persons.

10—Commencement and duration of research and development declaration

This clause provides that a research and development declaration—

(a) operates from the date of publication in the Gazette or such later date as specified in the declaration; and

(b) remains in force for 18 months from that date or such shorter period as specified in the declaration.

However, the Governor may, on the recommendation of the Minister and by notice published in the Gazette, extend the period for which a research and development declaration remains in force (for a maximum additional period of 18 months) if satisfied that special circumstances justify the extension in the particular case.

11—Variation or revocation of research and development declaration

This clause provides that the Governor may, on the recommendation of the Minister and by notice published in the Gazette, vary a research and development declaration. Before making a recommendation for such a variation the Minister must undertake any consultation required under clause 9 as if the proposed variation was a proposed research and development declaration.

This clause also provides that the Governor may revoke a research and development declaration at any time.

12—Disallowance

This clause provides for research and development declarations and variations to such declarations to be laid before both Houses of Parliament after which either House may pass a resolution disallowing the declaration or

variation in which case the declaration or variation will cease to have effect. A resolution of a House of Parliament must be passed within 5 sitting days of the laying of the declaration or variation before the House.

Part 3—Reporting

13—Reporting to Minister

This clause provides that the Minister may, at any time during which a research and development declaration remains in force, require a person undertaking a project or activity under the declaration to provide to the Minister a report, containing the particulars required by the Minister, on the project or activity and the operation of the research and development declaration.

14—Reporting to Parliament

This clause provides that the Minister may, at any time, prepare a report on the operation and effect of the research and development declaration and a project or activity undertaken under the research and development declaration. For the purposes of preparing such a report, the Minister may require a person to provide the Minister with information relating to the research and development declaration and the project or activity undertaken under the research and development declaration. The Minister must cause a report prepared under this clause to be laid before both Houses of Parliament within 6 sitting days of the completion of the report.

The clause provides protections for commercial information in that a report under this section must not contain commercial information of a person unless the Minister has first consulted with the person about the inclusion of the information in the report.

Part 4—Miscellaneous

15—Offence

This clause provides that a person who fails to comply with a condition or requirement of a research and development declaration commits an offence. The maximum penalty for a natural person is imprisonment for 4 years and for a body corporate is $120,000.

16—Validity of acts

This clause provides that any act or omission undertaken or made, or purportedly undertaken or made, in good faith by a person or body under a research and development declaration is taken to have been lawfully undertaken or made and such an act or omission is, and remains, lawful and valid despite any Act or law to the contrary.

17—Liability provision

This clause provides that no act or omission undertaken or made, or purportedly undertaken or made, by the Governor, the Minister or any other person engaged in the administration of the measure with a view to exercising or performing a power or function under the measure gives rise to any liability (whether based on a statutory or common law duty to take care or otherwise) against the Governor, the Minister or the Crown.

This clause further provides that a research and development declaration may provide that an act or omission undertaken or made, or purportedly undertaken or made, in good faith by a specified person, or class of persons, under the research and development declaration gives rise to no liability or to limited liability (whether based on a statutory or common law duty to take care or otherwise) against the person or class of persons (as the case requires).

18—Confidentiality of commercial information

This clause provides for the protection of commercial information that is obtained in the course of performing functions or exercising powers under the measure or a research and development declaration.

19—Regulations

This clause provides that the Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, the measure.

Debate adjourned on motion of Mr Treloar.

RESIDENTIAL PARKS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:51): Obtained leave and introduced a bill for an act to amend the Residential Parks Act 2007. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:51): I move:

That this bill be now read a second time.

Residential parks in South Australia play an important role in providing affordable housing opportunities to the community and offering an attractive lifestyle for retirees. The Residential Parks Act 2007 regulates the relationship between residential park owners and residents who live in residential parks as their principal place of residence. The act was originally designed to primarily address issues arising from people residing in caravan parks in demountable, moveable and inexpensive structures erected on sites rented from the park owner.

The types of residential parks that have developed since the commencement of the act are unlike those envisaged by the legislation. Some residential parks in South Australia offer purely long-term living in constructed or manufactured homes, while others are a mix of tourist accommodation and dedicated areas for residential living. The types of dwellings in these parks range from caravans with annexes to transportable and manufactured homes.

Residential park living in South Australia is continuing to grow in popularity, as it is in the remainder of Australia. Residential parks can offer residents the security of living in a small community with cost-effective housing, often in a pleasant location. Although there is no official data available, it is estimated that there are currently around 2,600 residential or long-stay site residents in South Australia.

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

Leave granted.

In January 2013 the Holdfast Bay Council advised around 40 residents of the Brighton Caravan Park that they had to vacate to make way for a $3 million redevelopment of the park. Sixteen residents took legal action against the council over their eviction. Some residents had lived at the park for more than ten years and had established themselves within the park community. After nearly 18 months of legal proceedings, the residents withdrew their legal action. As a goodwill gesture, the Holdfast Bay Council offered the residents compensation to assist them in moving to other accommodation. This situation highlighted a number of issues with the existing regulatory framework as it relates to rights and obligations of residents and park owners

As many residential parks in SA offer an attractive lifestyle for retirees, residents often invest in or purchase their home with the intention of residing there throughout their retirement. Many home-owners have an expectation that they will be able to live in the park for as long as they wish, even though their site agreements do not reflect this.

At present, the Act does not prohibit park owners from offering long-term agreements to residents, nor does it obligate them to do so. There are many existing agreements already negotiated and voluntarily entered into by residents and park owners, however there are many residents that either do not have an agreement in place, or have periodic agreements that offer limited protection to residents. This raises a number of issues relating to residents' understanding of their rights and responsibilities, and likewise those of the park owner.

In March 2016, the South Australian Government released a discussion paper which sought to make a number of improvements to the current laws that regulate residential parks. Feedback, comments and submissions on the discussion paper closed in July 2016. Feedback received indicated overwhelmingly that the primary concerns were insecurity of tenure, and the absence or inadequacy of legislative requirements relating to the disclosure of information, safety in parks, and the payment of compensation.

The Bill has been developed in consultation with key stakeholders, including the South Australian Residential Parks Residents Association (SARPRA), SA Parks, State Government agencies and park residents.

The Bill seeks to implement measures to provide a fairer and more transparent system for residential park residents and owners.

This Bill seeks to introduce measures that provide for better disclosure of information in the establishment of residential park agreements. The Bill increases the penalty on park owners if an agreement is not put into writing and requires a signed copy of an agreement, together with a copy of written park rules, to be provided to a resident. The Bill also introduces a 14 day cooling-off period to ensure that prospective residents have sufficient time to properly consider an agreement and obtain advice where necessary.

The Bill also seeks to alleviate concerns held by many residents regarding the security of their tenure. Currently, at the end of a fixed term agreement, if it is not formally terminated at that point, the agreement continues as one for a periodic tenancy only, which can be terminated on 'no specific grounds' with 90 days' notice. Many of these people have invested significant amounts of money in their homes, and deserve to have a greater level of security around their tenure.

The Bill seeks to achieve this by providing for residents of more than five years to have their agreements reviewed at their expiry and reissued on same (or new agreed) terms, unless there is a statutory ground not to do so (for example, misbehaviour). The Bill also contains a new provision that requires park owners to give a resident 90 days' notice prior to the expiry of an agreement if they intend on seeking to change the terms of that agreement going forward.

The Bill also strengthens measures already in the Act that are designed to encourage and maintain harmonious relationships between residents and owners. While residents committees may already be established under the existing Act, the Bill proposes to mandate residents committees in larger parks where there are more than 20 long-term residents. Residents committees allow for a forum for residents to raise any issues they have and for those issues to be raised with a park owner through a proper process. Owners must consider and respond to issues raised by the committee in writing within a month of being notified.

The Bill also seeks to improve safety measures in parks, for instance by mandating that all parks have a safety evacuation plan in place, that a copy of the plan is provided to all residents, and that it is reviewed annually.

The review has considered the financial and social impacts of current arrangements on residents, prospective residents and park owners and the reforms will continue to provide for affordable housing and flexible lease terms to support the community with affordable living options.

It is expected that new requirements upon park owners that are proposed by the Bill will be offset by providing them with increased security of income for site rentals for agreed periods, whilst maintaining the flexibility for owners to terminate tenure on no specified grounds for agreements under five years.

To support this package of amendments, CBS has undertaken to update and prepare additional plain English supporting resources for owners and residents containing information and advice regarding the rights and obligations of both parties. CBS will also make available from its website examples of best practice site agreements, park rules and disclosure statements. CBS Advice and Conciliation Officers will also be on hand to offer ongoing support.

Residential parks are an essential part of the affordable housing market in South Australia and we need to do all we can to ensure both residents and park owners can move forward with greater confidence and certainty regarding their rights and responsibilities.

This Bill aims to strike a fair balance between protecting the rights of residents and the investment in their homes, and the interests of park owners to support the growth of their parks.

I commend this Bill to the house.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Residential Parks Act 2007*

4—Amendment of section 3—Interpretation

This clause inserts a definition of *personal representative* and defines the concept of a *short term* residential park agreement.

5—Amendment of section 4—Presumption of periodicity in case of fixed short terms

This clause is consequential to the new general definition of *short term* inserted by clause 4.

6—Amendment of section 7—Residents committees

Subclause (1) requires certain park owners (defined in proposed subsection (8)) to ensure that there is a residents committee for the park. The penalty for failure to comply is $1,250 and defences are provided where reasonable steps to comply have been taken. Under the transitional provisions, the park owners will be exempt from the offence provision for 12 months after commencement.

Subclause (2) inserts a new subsection (2a) allowing the Tribunal to make a ruling where there is more than 1 group purporting to be the residents committee for a park.

Subclause (3) requires a park owner to consider representations made by a residents committee and provide a written response. The penalty for failure to comply is $1,250.

7—Amendment of section 10—Residential park agreement to be in writing

This clause provides that a written agreement for a periodic tenancy, or a reissued fixed term tenancy, that has arisen by operation of the Act does not need to be signed (but in the case of a periodic tenancy must include the date, or approximate date, on which the resident was first granted the right to occupy the site (if known)) and also increases a penalty.

8—Amendment of section 11—Copies of written agreements

This clause increases a penalty.

9—Amendment of section 12—Agreements incorporate park rules

This clause requires that a written residential park agreement, or a document recording its terms, signed by a resident includes a copy of the relevant park rules and that residents are notified of any later amendments to park rules. The penalty for failure to comply is $1,250 or an expiation fee of $210.

10—Amendment of section 14—Information to be provided by park owners to residents

This clause requires the specified information to be given to a resident at least 14 days before they enter into the residential park agreement and requires additional information to be provided to the resident. The clause also increases the applicable penalties in the section and adds an offence of knowingly making a statement that is false or misleading in a material particular in information provided under the section.

11—Insertion of Part 3 Division 3

This clause inserts a new Division as follows:

Division 3—Continuation or reissue of certain agreements

17A—Agreement for fixed term continues as periodic agreement if not terminated

The current section 53 is being moved to this proposed new Division.

17B—Certain site agreements to be reissued

A residential park site agreement for a fixed term of 5 years or more (or for a lesser fixed term if the resident has held a right of occupancy for a total period of 5 years or more) will, if it hasn't terminated at or before the end of the fixed term and no notice has been given that a review will be required under proposed subsection (2), be taken to have been reissued on the same terms. Under proposed subsection (2), either party to such an agreement may instead give at least 90 days' notice that they want a change to the terms and, in such a case, there must be a review of the agreement and the agreement must be reissued on the newly agreed terms. The old agreement will continue until the new agreement is reissued.

If a resident under a periodic residential park site agreement has held a right of occupancy for a total period of 5 years or more, the park owner must undertake a review of the agreement and, following the review, the agreement must be reissued for a fixed term agreed with the resident.

A review is not required under the section if the resident notifies the park owner that the resident does not want to occupy the site under a fixed term agreement or if either party has given notice of termination under Division 3 (noting the limitations being imposed on termination for 'no grounds' by other provisions of the measure).

A park owner who refuses or fails to comply with a requirement of the section is guilty of an offence punishable by a fine of $1,250 or an expiation fee of $210.

12—Amendment of section 49—Residential park site agreement—acquisition of park or site

This clause deletes provisions that currently allow the new owner of a residential park to terminate residential park site agreements without specifying a ground of termination.

13—Insertion of section 50A

This clause inserts a new provision as follows:

50A—Sale of dwelling following death of resident

If the personal representative of a deceased resident, or another person who has inherited property of a deceased resident, intends to sell a dwelling that is on the site that was occupied by the deceased, they must inform the park owner of that intention and give the park owner a first option to purchase the dwelling. If no agreement is reached within 28 days, that option will lapse and the dwelling may be sold in the normal way.

14—Amendment of section 52—Termination of residential park agreement

This amendment:

(a) provides that a residential park site agreement for a fixed term does not terminate when a mortgagee takes possession of the rented property under a mortgage (in section 52(d));

(b) makes a minor amendment to ensure consistency of expression (in section 52(da));

(c) limits the provision about termination due to the death of the resident (where no dependents are left in occupation of the property) to residential park tenancy agreements (in section 52(f)); and

(d) clarifies that, except as provided in subsection (1)(f) of the section, a residential park agreement does not terminate on the death of the resident.

15—Repeal of section 53

This section is being moved to new Part 3 Division 3.

16—Insertion of section 70A

This clause inserts a new section as follows:

70A—Termination where change of use or redevelopment

This provision will allow for termination of a residential park site agreement (after a specified notice period) where the residential park will no longer be used as such or where the residential park, or a part of it, is undergoing redevelopment that cannot be completed in a safe and efficient way unless the resident vacates the site. The provision prescribes notice periods and allows for alternative arrangements to be made.

17—Amendment of section 71—Termination where periodic tenancy and no specified ground of termination

This amendment provides that an agreement for a periodic tenancy cannot be terminated for no specified ground if the resident has held a right of occupancy of the rented property for a period of 5 years or more.

18—Amendment of section 72—Termination at end of fixed term

This is consequential to proposed section 17B inserted by clause 11.

19—Insertion of section 73A

This clause inserts a new section as follows:

73A—Harsh or unconscionable termination

If termination of a residential park site agreement is harsh or unconscionable, the resident may apply to the Tribunal for an order or orders.

20—Insertion of section 78A

This clause inserts a new section as follows:

78A—Termination where notice given under section 70A

This provision is consequential to proposed section 70A and allows a resident who has been given a notice of termination by a park owner under that section to terminate at an earlier time without specifying a ground of termination (but with 28 days' notice).

21—Amendment of section 116—General powers of Tribunal to resolve disputes

This clause broadens the Tribunal's power to order a person to make a payment.

22—Amendment of section 134—Commissioner's functions

This clause allows the Commissioner to publish information relating to action taken by the Commissioner to enforce the Act.

23—Insertion of section 138A

This clause inserts a new section as follows:

138A—Park owner must have safety evacuation plan

This provision requires a park owner to have a safety evacuation plan for the park; to provide the plan to residents; and to review the plan annually. The penalty for failure to do so is a fine of $2,500 or an expiation fee of $210.

24—Amendment of section 141—Regulations

This clause amends the regulation making power.

Schedule 1—Transitional provisions

This Schedule contains the transitional provisions relating to the measure.

Debate adjourned on motion of Mr Treloar.

RETAIL AND COMMERCIAL LEASES (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:54): I indicate that I will be the lead speaker in respect of the Retail and Commercial Leases (Miscellaneous) Amendment Bill 2017. Parliament would have noted that a number of parcels of amendments to this bill have been foreshadowed, but I propose to address the substantive bill in the first instance and hope to then explain the foreshadowed amendments in my name. They are in 220(1) and 220(4), as printed and tabled.

On 5 July this year the government introduced this bill to amend the Retail and Commercial Leases Act 1995, essentially to deal with recommendations arising out of a 2016 review of the operation of this act. On the same day the Hon. John Darley, in the other place, introduced a bill into the Legislative Council to deal with a matter arising out of a change of regulations to this act that were promulgated in 2010.

It is worth noting a brief history of the principal act to which we are referring. I think it is fair to say that prior to the passing of the principal act in 1995 the protection of lessees, particularly in retail shop premises, was then provided under the Landlord and Tenant Act 1936. There had been a long-held view by many small business operators that the rent—being a substantial financial outgoing—and the fair operation of the lease were critical to the success or failure of their business, and I do not think anything is changed in that regard.

However, it was also acknowledged that there was a significant imbalance of the commercial power between the lessee and the lessor which, in some circumstances, could leave the lessee at a significant disadvantage. So it is not new that we have, essentially, consumer protection law largely drafted to protect tenants in a commercial arrangement where, in some cases, there is a very significant imbalance between the power of the lessor and the lessee.

That is not universal by any means, but I suppose to a similar degree we have consumer-based protection in residential tenancy law in this state that has operated now for a number of decades, and which works on the presumption that it is likely the lessee is the one who is the most vulnerable in that relationship. That is the tenant in a residential arrangement.

Of course, in some instances the tenant can be articulate and educated and the lessor, the owner of the house, may be someone who has just one investment property that they do not reside in and that they hold on the understanding of a commercial arrangement, and they may be seen as quite inferior to the tenant. However, largely the development of laws in both these areas has been on the basis that the lessee is likely to be the more vulnerable, certainly less powerful, in a David and Goliath situation of power imbalance.

There have been a number of amendments, particularly in 1997 and 2002, to our Retail and Commercial Leases Act. Currently, the act provides for matters as follows:

- it covers most non-residential landlord and tenant relationships;
- it imposes mandatory disclosure requirements;
- it prohibits certain conduct by landlords;
- it deems certain provisions in leases to be void;
- it provides tenant-friendly provisions (that is, the renewal of leases and security of tenure); and
- it provides dispute resolution processes.

The act is supported by regulations promulgated in 2010. These are particularly important because the annual rent threshold, which attracted the application of the provision of the act, was increased from $250,000 to $400,000 and was effected on 4 April 2011. Frankly, that is when the disaster started in respect of the application of this act.

In December 2013, the state Labor government committed to a review of the act. The government appointed Mr Alan Moss, a retired District Court judge, to undertake the review. The review was handed down on 14 April 2016. That review was released for a three-month period of consultation and 37 submissions were received. The review was handed to the Small Business Commissioner, Mr John Chapman, then I think Mr Rau originally, but in any event the Minister for Small Business has the responsibility for the progress of the bill.

The government bill before us essentially claims to deal with matters recommended under the Moss review, accepting 16 of the 20 recommendations. Essentially, the bill provides for the following:

- allowing retail shop leases to move into and out of the jurisdiction of the act;
- an adjustment of the rent threshold that triggers the operation of the act and clarification that the figures used are exclusive of GST;
- clarifying the provision of information to lessees at the time of entering into a lease broadly increasing, that is around 60 per cent, the maximum penalties by CPI since 1995;
- providing maximum penalties of $8,000 for two new offences;
- permitting the government to exclude certain classes of leases and licences; and
- permitting the Small Business Commissioner to certify exclusionary causes and exempt leases and licences from the act.

Unsurprisingly, during the consultation the Small Business Commissioner has supported the bill and submissions have been received from the Law Society and the Property Council. Similarly, there is general acceptance. It is fair to say that the Property Council probably covers the interests of landlords, and of course must be therefore consulted largely in this space. It is fair to say that the Moss review was fairly mild in its recommendations to the extent of the breadth that is covered, and it is fair to say that from the submissions we received that broadly the reforms proposed are accepted. The opposition agrees with a number of those submissions.

What is the elephant in the room in this matter is the notable omission in the Moss review and in the government bill—namely, the issue that has been alive since the 2010 regulations and the identification of consequences of increasing the rent threshold of a number of transitional cases, that is, the tenancy arrangements entered into prior to 2011, which were substantially renewed, such as another five years after the change.

This aspect was very concerning to the Law Society. Obviously, it was not a process that came back before the parliament, but it was identified when the regulations rapidly increased the threshold from a $250,000 annual rent to a $400,000 rent. Perhaps inadvertently at that stage, but we will give the benefit of the doubt in that regard, it caused some severe financial impost on a number of transitional cases.

In the beginning, before the involvement of the current minister, there were requests submitted by the Law Society and, unsurprisingly, the financial and legal advisers of the landlords who were caught in this mess. Those requests were just completely ignored. Submissions were put to Mr Alan Moss and the Small Business Commissioner and, again, they were completely ignored, with no explanation or review as to why no action was being taken.

The government's published intention back in 2010 was that the new rent threshold would not apply to leases entered into prior to 4 April 2011 or renewals of leases or new leases entered into on right of renewal before that date. That is a clear commitment that was made at that time. Those who are now complaining about the adverse impact of these make it very clear that they had no reason to doubt the government's commitment in that regard, and if there was some corroboration,

I suppose, of the concerns that were raised and the justification for those concerns being raised it was during the reign of minister Kenyon, who had responsibility in this matter shortly after this period.

One of the casualties in this action as a result of this threshold change related to a retail tenancy that was originally referred to minister Kenyon and then to the subsequent minister, minister Koutsantonis. In fact, I also wrote to the Attorney-General in May this year, but of course my responsibility on behalf of the opposition in relation to this area is relatively recent. In response to that correspondence to the Attorney-General, the current minister responded and advised that the matter was 'complex' and that after further correspondence he disclosed that it was a matter for parties entering into a lease to obtain their own independent legal advice. Notably, he also said:

> With regard to the Moss review, the advice to the State Government was that this area needed to be clarified (i.e. leases may move in or out of the Act). It is the State Government's intention to reinforce this point in amendments to the Act which will be brought to the Parliament in due course.

Members should be aware that there are two important Supreme Court cases in respect of this issue; that is, firstly, the Buffalo Motor Inn case, WST v GRE Pty Ltd, and more recently, Diakou Nominees Pty Ltd v Gouger Nominees Pty Ltd. Both of these cases involve people who have been caught in the crossfire of the change of regulation. Both of these cases held that the new rent thresholds applied to existing leases; however, it should be noted that the Diakou case on appeal is still being considered by the plaintiffs in the Full Court.

You would think that, surely, in these circumstances, rather than the government saying, 'We're going to make some minor amendment which should resolve this in the future,' they would understand that there has been an utter stuff-up in respect of the modernising and updating of this legislation in which now seven years have passed and there has been no resolution for the people left in the crossfire. It is rather appalling conduct on the part of the government to have allowed this situation to go so long. That is the first thing.

Secondly, notwithstanding their original commitment, and notwithstanding correspondence that I have from the then minister Kenyon that this issue could be resolved and was expected to be resolved, it was not. I say shame on the government for just simply leaving these people in the lurch. As a result, unsurprisingly, the Hon. John Darley, at the introduction of this bill, moved a bill to try to resolve this issue on behalf of the people left in the middle.

That bill sought to remedy the inequalities consequential on changing the threshold in 2010 by regulation not protecting the interest of parties, particularly landlords, with pre-existing issues. The direct consequence of the effect of these changes relates to the liability to pay land tax. Now we get to the real issue of what is in question here, that is: who is going to pay the land tax?

The effect of this change, without there being any remedy to the people in the casualty list here, is that there is actually a transfer over from one to another. Section 30 of the act provides that lessees who have an annual rent higher than the threshold can have the land tax recovered from them by the owner. The threshold increase resulted in a situation where owners who had previously passed the land tax to their tenants would now be liable to pay it. This could be at a cost of tens of thousands of dollars, and clearly this was a matter taken into account when negotiating a lease before the 2010 threshold change by regulation.

Quite likely, in my view, the government has now seen that there is more political mileage in being the hero in providing relief to tenants rather than landlords. Again, I think that is shameful. They think, 'Well, look, bad luck. It's only a few whingeing landlords who are going to complain about this. We will be the heroes in the lead-up to the election. We will protect the interests of the tenants and they are going to now be relieved of very substantial bills of land tax.' Minister Koutsantonis, the Treasurer, will not give a toss who pays them; they are going to get the same money anyway. The conduct in doing this is utterly shameful. I think that it needed to be remedied and so did the Hon. John Darley. It needs to be resolved.

To simply turn a blind eye to it and say, 'We are going to go and contemporise the law generally and we are going to have Mr Moss look at it. We are going to consider whether we have different rules or different models of application of how we protect the parties in this space,' and ignore this elephant in the room I think is most unacceptable and certainly unbecoming conduct of a government that is supposed to be responsibly considering and protecting the interests of those who

reasonably enter into commercial arrangements as per the law of the land of that day. That is what is reasonable.

As I have said, Mr Darley's bill then provided for statutory relief in view of the government's refusal to provide regulatory relief; specifically, that if a lease was entered into or renewed before 4 April 2011 and the rent at that time was more than $250,000, then the act will not apply. The effect will protect the existing rights and obligations of those owners and lessees. As I have pointed out, even with the passage of Mr Darley's bill, to do so would have no net effect on the total revenue because, from the Treasurer's point of view, they do not really care who pays as long as they get paid.

I noted with interest the Attorney-General's recent statement in this house when he was talking about residential parks. I remember a former treasurer of this parliament, the Hon. Kevin Foley, charging people land tax in residential parks. They had a right to space, actually, rather than land. It took a very long time to convince him that in fact he was charging people that he should not have been charging. It took lengthy submissions to remedy that situation. I noticed when we finally won that argument that he did not give any money back.

Nevertheless, these are the sorts of things that obviously as members of parliament we have to be vigilant about. Where we see some unfairness, we need to raise it with the government of the day and seek some appropriate relief. Sometimes that is statutory; in this case, the imposition of a regulation with promises to do A, which had the consequential effect of B, obviously to the detriment of the landlords in the transitional period, should have been dealt with by this government.

It had been honourably recognised by former ministers and now has been shoved under the carpet under the current regime. As shameful as that is, our remedy is to indicate that, whilst we support the substance of this bill, I will move amendments that are in my name, as per 221, and I will deal with the particulars of those when we get to them.

The Small Business Commissioner, Mr John Chapman, who I should state for the record is no relative of mine, provided us with a briefing and I thank him for that. Clearly, in the course of that briefing he was fully aware of the cases that tried to use the court process to get the protection that they thought they had of former ministers and to seek relief. However, it seems from those briefings, and I am sure the minister will correct me if I am wrong, that there are only a small number of cases that have at least been identified at this point where someone has come forward and said, 'Hang on a minute, we weren't supposed to be in this category.' As I said, because there is no net detriment to the financial receipts of the government then probably the question of how many cases is academic.

Unsurprisingly, the litigants in respect of the court cases had sought to put a submission to Mr Alan Moss. My understanding is that a request to meet with Alan Moss, the reviewer, was met with, 'His contract finished last year,' and therefore I was not, at least as a representative, to be afforded any further discussion with him. However, it could not have gone unnoticed by Mr Moss that this was a live and concerning issue. Nevertheless, the government terminated his contract. That is fair enough; he does not have to meet with me or do anything else. He was probably paid to do it, I suppose.

Again, this just smells of the approach that the government has had in what was quite a legitimate review with quite legitimate reforms raised in respect of legislation. But there has been a continued refusal by the last two ministers, at least since 2012, to deal with this matter in a manner that would provide some justice to the parties concerned. I will refer in detail to the amendments that deal with the transitional matters, if I can paraphrase them as that.

A further matter has been raised in respect of the circumstances of a new party being stuck paying land tax unexpectedly, and the Property Council suggests that to protect both parties the new provisions should only come into effect at the next market rent review under the lease. Both stakeholders have raised concern as to whether the act will apply and provide protection for all tenants of government-run entities. They assert that Renewal SA or government-owned properties may not be protected. Obviously, this can be clarified by the government and I seek that the minister do so in his response, unless he wants to wait until the committee stage.

Additionally, the Property Council recommended that the rent threshold review be in smaller increments in the future, which was the original recommendation of Mr Alan Moss. Notwithstanding this, by regulation the government increased the threshold from $250,000 to $400,000 in 2011, as I said. The Shopping Centre Council of Australia submitted that the criteria for application should be floorspace area rather than rental paid. As we know, Mr Alan Moss rejected that idea. We have accepted this in our previous indication of support of the bill generally.

The reviewer of the rent threshold is to be the Valuer-General every five years. The Valuation of Land Act 1971 provides no guidance on how this is to be carried out and they seek clarification, including stakeholders being consulted before any change. It is unusual to specify the particulars of a review, other than the time in which they should be undertaken or completed by statute, but I think questions need to be followed up in this regard with answers from the government.

In any event, the Shopping Centre Council of Australia also claimed the time line for the lessor to lodge a lease for registration is too strict. They say that it should be one month after the lease is returned to the lessor following the execution of the lease. They suggested an amendment to allow for one month, but with the capacity to extend that when the consent from the head lessor or mortgagee, or a requirement for a plan to be filed at the LTO, or other events beyond the control of the lessor, to be taken into account.

Accordingly, I indicate that we are persuaded that that is reasonable, and we would invite the government to consider the amendments foreshadowed in 220(4) standing in my name, to accommodate that request, which we consider reasonable in the circumstances. I think that covers the matter of giving notice to the government about our position on this matter. I invite the minister to respond to those matters, should he wish to do so, otherwise we will continue in committee.

Mr PEDERICK (Hammond) (16:21): I rise to make a contribution in regard to the Retail and Commercial Leases (Miscellaneous) Amendment Bill 2017. The government bill, which we are debating today, was introduced on 5 July 2017. It intends to amend the Retail and Commercial Leases Act 1995 and deal with recommendations arising out of the 2016 review. It is noted that a bill was introduced in the other place by the Hon. John Darley to deal with an issue arising from the change of regulations in 2010.

Prior to the act passing in 1995, the protection of lessees, particularly in retail shop premises, was provided under the Landlord and Tenant Act 1936. Accordingly, there has been a long held view by many small business operators that their rent is a substantial financial outgoing and that the fair operation of their lease is critical to the success or failure of their business. It is also acknowledged that the significant imbalance of commercial power between the lessee and lessor, can leave the lessee at a significant disadvantage.

There have been a number of amendments to the act, particularly in 1997 and 2002. As the act currently stands, it covers most non-residential landlord tenant relationships, it imposes mandatory disclosure requirements, it prohibits certain conduct by landlords, it deems certain provisions in leases as void and it provides tenant-friendly provisions re renewal of leases and security of tenure. It also provides dispute resolution procedures. The act is supported by the Retail and Commercial Leases Regulations 2010. These are particularly important because the annual rent threshold, which attracted the application of the provisions of the act, was increased from $250,000 to $400,000, which was made effective on 4 April 2011.

In December 2013, the state Labor government at the time committed to a review of the act. Alan Moss, a retired District Court judge, was appointed to undertake that review. The review was handed down on 14 April 2016. On 24 May 2016, the review was released for a three-month period of public consultation, and 37 submissions were received. Unusually, the review was handed to the Small Business Commissioner rather than to the relevant minister.

The government bill deals directly with the Moss review, and it accepts 16 of the 20 recommendations. Essentially, what the bill provides for is to allow retail shop leases to move into and out of jurisdiction of the act, adjustment of the rent threshold that triggers the operation of the act and clarification that the figures used are exclusive of GST. There is a clarifying provision of information to lessees at the time of entering into a lease. It is broadly increasing around the number of 60 per cent the maximum penalties by CPI since 1995, providing maximum penalties of $8,000

for two new offences, and also permitting the government to exclude certain classes of leases and licences.

What also happens is that it permits the Small Business Commissioner to certify exclusionary clauses and exempt leases and licences from the act. These amendments are supported by the Small Business Commissioner and have been supported by submissions from the Property Committee of the Law Society of South Australia. The Property Council provided a submission to the review. In the main, as has been indicated by the deputy leader, the provisions of the bill are uncontroversial.

However, there is a notable omission in the review and in the government bill, namely, an issue which has been alive since the 2010 regulations and the identification of consequences of increasing the rent threshold of a number of transitional cases—for example, tenancy arrangements entered into prior to 2011 which were subsequently renewed such as another five years after the change. This is particularly concerning given the Law Society and legal and financial advisors to the landlords in question have put these concerns to previous ministers seeking relief by way of amendments to the regulations.

It is to be noted that the government consistently ignored those requests. Submissions were put to Mr Moss and the Small Business Commissioner, and again they were ignored with no explanation in the review as to why no action is being taken. The government's clear published intention back in 2010 was that the new rent threshold would not apply to leases entered into prior to 4 April 2011 or renewals of new leases entered into on right of renewal before this date.

One of the casualties of this inaction resulted in a retail tenancy which was originally referred to minister Kenyon and then minister Koutsantonis. The shadow minister wrote to the Attorney-General in May 2017, and it is noted that the current minister, minister Hamilton-Smith, responded and advised that the matter was complex. After further correspondence, he disclosed it was a matter for parties entering into a lease to obtain their own independent legal advice. It is noted that he also said:

> With regard to the Moss review, the advice to the State Government was that this area needed to be clarified (i.e. leases may move in or out of the Act). It is the State Government's intention to reinforce this point in amendments to the Act which will be brought to the Parliament in due course.

As has been noted by the deputy leader, there have been two significant Supreme Court cases on this issue. One of them was the Buffalo Motor Inn case and more recently Daikou Nominees Pty Ltd v Gouger Nominees. Both these cases have the new rent thresholds which apply to existing leases. It is noted that these are ongoing issues in the courts.

In regard to the bill that was introduced in the other place by the Hon. John Darley, this bill was brought into the other place to remedy inequities consequential on changing the threshold in 2010 by regulation and protecting the interests of parties, particularly landlords with pre-existing leases. A direct consequence of the effect of the changes relates to the liability to pay land tax.

Section 30 of the act provides that lessees who have an annual rent higher than the threshold can have land tax recovered from them by the owner. The threshold increase resulted in a situation where owners who had previously passed the land tax to their tenants would be liable to pay it. This could be at a cost of tens of thousands of dollars. Clearly, this was a matter taken into account when negotiating the lease before the 2010 threshold changed by regulation. The Hon. John Darley from the other place has confirmed that parties affected by this have approached his office for relief.

This bill specifically provides statutory relief in view of the government's refusal to provide regulatory relief: specifically, if a lease was entered into or renewed before 4 April 2011 and the rent at that time was more than $250,000, then the act will not apply. The effect of that will protect the existing rights and obligations of those owners and lessees. As the deputy leader has stated, there will not be any financial implications to the government because the Treasurer will get his land tax from someone, whether it is the lessee or the lessor; I do not think he cares which one it is.

It is noted that the Small Business Commissioner advised our party and confirmed that he had advised the government against providing regulatory or statutory relief to the cases trapped between 4 April 2011 and the passage of this bill. He also advised that, to his knowledge, there were

three cases affected (two being the subject of proceedings as we discussed earlier). It is noted that if the provision of relief was made, it could mean an unidentified number of other cases would come forward.

It is obvious that the government have been entirely relaxed about this for six years; they have not taken any responsibility. It is noted that the deputy leader put in a request to meet with Alan Moss; however, that was met with a response that his contract had finished last year. It is concerning that submissions were put to this review to specifically address this anomaly but there is no reference to the basis on which any relief was rejected in the mind of the reviewer. In fact, the government's claim that the reviewer had considered the application of the act was to expressly provide that retail shop leases could 'move into and out of' jurisdiction of the act.

In their submission, the Law Society of South Australia had requested that the government deal with any anomalies by regulation in past submissions to the review and to the Small Business Commissioner. I think it is vital that we take into account the many thousands of leases that are undertaken across the state and throughout all our separate electorates, especially in retail, which has expanded quite heavily in my electorate, including Murray Bridge, which is my main centre. We have had a couple of new shopping centres built in the last five or six years.

Currently, we are running two Woolworths stores, two Coles stores, and we have a Big W and a couple of significant shopping centres with other shops. Target is a big lessee, as is Cheap as Chips, but there is a vast range of smaller operations that come and go. The deals they have made with the lessor and the profitability of how they run their business affect how they stand up financially into the long run. What we need to find in this legislation—and I note the amendments that we are going to move from this side—is equity for everyone involved so that there is no confusion, whether you are a lessor or a lessee, as to who is going to do what under the legislation when it goes through.

It is noted that, with the amendments that are going to be debated shortly, it is about time lines around lodging the lease being taken into account to protect the people involved in these arrangements. This is significant because it can mean a real issue around the land tax component and who pays it, and it could mean inequities from either end of the argument, whether you are the lessor or the lessee. As the jurisdiction state parliament looking after this, we need to make sure we get this right so that businesses can operate effectively and that lessors get a fair go as well.

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence and Space Industries, Minister for Health Industries, Minister for Veterans' Affairs) (16:35): I thank members for their contributions and for their general support for the bill. I note that amendments will be moved, and I look forward to dealing with them one by one. In the way of general comment to close the debate, in the first instance I commend Mr Alan Moss for his excellent report and, in particular, the recommendations that appear on page 41 of his report, having outlined at the beginning of his report the scope and context of his work. I note, and it is relevant to our consideration of amendments, that his recommendation (k) was that there should be no change to land tax provisions.

I also note that we have picked up the majority of his recommendations but that, as part of the consultation process with stakeholders, we intend to move amendments of our own. This signals that we have listened to stakeholders, that we have been consulting on this extensively and that we have certainly been prepared as a government to shift the initial position of the bill to hear those concerns. I look forward to the debate on the amendments proposed by those opposite.

I say in closing, and Moss acknowledges this in his report, that when it comes to lessees and lessors you are never going to come up with a set of arrangements that completely satisfy both parties. In fact, if both parties are not completely happy with what you have come up with, maybe you have it about right. We recognise that there are people who are not happy with the proposals who will be going to those opposite and Independents and making their point, as they have to us, which they are quite entitled to do. We look forward to debating those issues during the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. M.L.J. HAMILTON-SMITH: I move:

Amendment No 1 [SmallBus–2]—

Page 3, after line 17—Insert:

(2a) Section 3(1)—after the definition of *statutory rights of security of tenure* insert:

subsidiary includes a subsidiary within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

I apologise to the committee for the time it has taken for my side to be organised on this particular amendment. I am advised that this is a clause that deals with clarification of a subsidiary, and it is uncontroversial.

Ms CHAPMAN: I appreciate that it actually adds in a definition of 'subsidiary', but I am not quite sure why it has been omitted before or is necessary, so could we just have some explanation? It may be quite minor, but I do not understand why we have it.

The Hon. M.L.J. HAMILTON-SMITH: I am advised by the Small Business Commissioner that, on advice from parliamentary counsel, amendment No. 1 and amendment No. 2 that we are yet to arrive at, are to do with ensuring there is no confusion about bodies corporate that are overseas entities or local entities and that, therefore, a clarification of the term 'subsidiary' would remove any confusion.

Amendment carried.

Ms CHAPMAN: I move:

Amendment No 1 [Chapman–1]—

Page 3, lines 18 to 25 [clause 4(3)]—Delete subclause (3)

I propose to briefly address amendment No. 1 on the basis that this is the first amendment necessary to introduce the remedy in relation to the transitional cases. To do that, the amendments that are foreshadowed in my name in this parcel of amendments within 220(1) all relate to necessary amendments to accommodate the remedy of that.

Accordingly, the first thing to do is to delete subclause (3) of clause 4. I do not think I need to repeat why we are doing this. It is consistent with the Hon. John Darley's approach in the other place. It is to give some relief and remedy to those persons who we say have been caught up—we are prepared to give the benefit of the doubt of them being caught up inadvertently—but who the government have let dangle in the air for six years and undertake expensive court action to try to remedy it. We say that is unfair and unacceptable. Accordingly, I move amendment No. 1 standing in my name as part of a suite of amendments necessary to do that.

The Hon. M.L.J. HAMILTON-SMITH: Essentially, the amendment moved by the member for Bragg deals with land tax provisions which were brought to light by the Diakou Nominees Pty Ltd v Gouger Street Pty Ltd case. I just want to start by going back to the Moss review's recommendation (k) 'There should be no change to land tax provisions' and then perhaps provide some further explanation to the member about why the government feels we cannot support the amendment.

Essentially, the amendments proposed seek to legislate the unsuccessful Supreme Court case brought by Diakou Nominees against the lessees, and I will just elaborate further. This judgement, which went against Diakou Nominees, who have since appealed, would be heard by the Full Bench of the Supreme Court in the fullness of time. But at the current time the case represents the best jurisprudence available on these issues and, as such, the government is bound to give the judgement due consideration, as it has. That is all we have to work with at the moment.

In the Diakou Nominees case, the facts are that the lease for the Talbot Hotel was first entered into on 1 September 2006 for a term of five years, and there are various other details for that matter that have come to light in the case. The amendments proposed by the honourable member for Bragg effectively seek to legislate the case, as I mentioned, that Diakou have been unsuccessful in prosecuting in the court. If those amendments are legislated, they will simply enshrine in law propositions that Justice Stanley rejected outright. He said:

> I do not accept Diakou Nominees' submission. The Act is drafted and is intended to be read and understood in the light of the Acts Interpretation Act. The Act and the AIA work together. The meaning of the Act is to be understood in the light of the AIA.

He goes on to make other observations, in particular:

> The Act would operate prospectively in the sense that the Act would interfere with those 'rights' created by the lease from the date of the amendment and not before. On this interpretation, this Act operates to protect lessees from the superior bargaining power of lessors and regulates their relationship. It does so from the time the Act applies to the lease in accordance with the terms of section 4(2)(a).

Stanley J made some other observations. He said:

> I do not consider that Parliament intended that in circumstances where the Act did not apply to a lease at the time it was entered into, because the annual rental exceeded the prescribed sum, the Act should never apply to the lease thereafter, notwithstanding that an amendment increasing the prescribed threshold resulted in the annual rent not exceeding that threshold.

He goes on to say:

> The discrimen chosen by Parliament for carving out that exception to the application in the Act being the amount of the annual rental payable, I consider Parliament intended that, once the annual rental did not exceed the prescribed sum, the Act should apply.

As I have noted, the Diakou Nominees decision is the subject of an appeal and we will see how that appeal unfolds. Under the government's bill, there will be a period between 4 April 2011, when the threshold was increased from $250,000 to $400,000, and the date that the bill's amendments come into operation. During this intervening period, the arrangements between lessors and lessees will be interpreted by the courts; that is, governed by the outcome of Diakou Nominees and its subsequent appeal.

The government has not sought to retrospectively assert the rights of parties, such as Diakou Nominees, back to 4 April 2011 for the simple reason that it is not equitably possible to unscramble this egg. On the other hand, the amendments proposed by the member for Bragg, as I understand them, seek to legislate back to 4 April 2011—what the court in the Diakou Nominees case simply would not find. According to Justice Stanley, Diakou Nominees' argument at paragraph 45:

> …supports a construction that would not exclude the application of the Act for all time to a lease on the basis that its 4(2)(a) operated at the time the lease was entered into to exclude its application. It also supports a construction that the Act would not apply where during the life of the lease the annual rental came to exceed the prescribed amount.

I could go on and give other extracts from Justice Stanley's findings, but the rationale advanced by Diakou Nominees that the original parties to the lease could 'contract out' of the application of the act for 20, 30, 50 or even 100 years is exactly the situation, as I am reading it, that the opposition's amendments would enshrine in legislation.

In other words, by Diakou Nominees settling the initial rent marginally above the threshold at the time the lease was first agreed to at $250,500, with the provision of rollovers for another 30 years, Diakou Nominees could 'anchor' its lease at a point in time never to be impacted by changes to the threshold of the act again. Justice Stanley found that to be 'a startling proposition' given that the annual rental commonly will be fixed by reference to market factors.

For all those reasons, the government feels that the proposed amendment ignores His Honour's construction and that is also supported by the authority of earlier decisions of the Supreme Court, which have also considered the construction of the act. We feel the amendments also ignore the statutory interpretation that his Honour so readily found, and that to be properly construed a lease must properly be read in conjunction with the Acts Interpretation Act.

For example, if a lessor and lessee have come to an arrangement whereby, rather than undertake expensive court proceedings, they agree to pay half the land tax bill each, what will the

amendments proposed by the honourable member then do? Will the landlord, having received half the land tax that is in doubt, now be able to recover the rest? Or, worse still, would an unscrupulous landlord, the ones Mr Moss warns about in his report, now be able to fully recover the whole of the land tax again, or perhaps more?

This is what I mean about not being able to unscramble the egg. That is why the government's bill would only seek to impact on lessors and lessees prospectively from the date that the amendments take effect. It is the fairest way. In effect, we feel that the amendments put by the honourable member are retrospective. That is something that I know the member and many of us here have often railed against because, in effect, we are going back and recasting, retrospectively, a law and we feel that is never good lawmaking.

Ms CHAPMAN: Can I present this to the minister because I expect he has read out something that has been prepared by the government or their advisers, which is entirely consistent with the disgraceful conduct of the government in 2010 making amendments, to be effective in 2011, with scant regard for the consequences.

It became clear that there were perhaps unintended consequences, and I am giving the government the benefit of the doubt. The correspondence I have read between minister Kenyon and the complainants who were caught up in this at the time clearly indicates to me, and if the minister read them I think would indicate to him—especially the commitments that were made at the time when the government decided that it was going to crank it up from $250,000 to $400,000 and capture these people, or perhaps not check to see if it was going to capture these people—that they made a commitment.

When the government of the day completely bugger this up, throw the eggs in the bowl, scramble them up and say, 'We don't give a toss what the outcome is,' it is hardly a surprise to me that the minister stands up and reads out something that a bureaucrat has written. I have read the judgement of Justice Stanley. I am not an expert on landlord and tenant law, but it is quite likely that he is absolutely right. The interpretation of the law requires him to make a determination, 'Bad luck, these people have been caught in it.' That is the clear interpretation of what is in the letter of the law.

Notwithstanding the commitments that were made at the time, and notwithstanding what was identified as being a problem, the first minister who sought to fix it up did not last long. Another minister came in, and now you are the current minister and you are left with this mess. You are left with the explanation of coming in and saying, 'Strictly according to the law, this is what Justice Stanley said.' When this particular group went off to the Supreme Court to try to get some relief, of course Justice Stanley was left with the obligation to interpret the law as it stands. This is a mess that has gone on for six years. The initial indications of relief that were offered have now just been buried and these people have been cast aside.

Having read the judgement, and giving Justice Stanley the benefit of understanding that he is stuck with what he has got, I do not know whether these people will get any relief in the Full Court. I am no expert in this area, but I doubt that they will. That is why this matter needs statutory protection. This is not retrospective. This has been a live issue created by a government that decided to put in a regulation cranking up this threshold overnight by $150,000. That was irresponsible in itself. It is hardly surprising that Mr Alan Moss when he wrote his review said to the government, 'In future, just make these small increments, otherwise you are going to have this problem of capturing these people.'

Without reflecting on previous ministers on this matter, this minister has an understanding of business. I know that he has been in business and I know that he understands what is fair in that space. I do not know whether he has been a landlord or a tenant specifically in a commercial sense, but I make this point—

The CHAIR: Can I ask you to make that point in a moment? We need to report progress and move beyond 5 o'clock.

Progress reported; committee to sit again.

Sitting extended beyond 17:00 on motion of Hon. M.L.J. Hamilton-Smith

A quorum having been formed:

STATUTES AMENDMENT (RECIDIVIST AND REPEAT OFFENDERS) BILL

Standing Orders Suspension

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) (17:01): I move:

That standing orders be and remain so far suspended as to enable the introduction of a bill without notice forthwith and passage through all stages without delay.

The SPEAKER: An absolute majority not being present, ring the bells.

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

Motion carried.

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:03): Obtained leave and introduced a bill for an act to amend the Bail Act 1985, the Criminal Law (High Risk Offenders) Act 2015, the Criminal Law (Sentencing) Act 1988 and the Sentencing Act 2017. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:03): I move:

That this bill be now read a second time

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

Leave granted.

In the criminal justice system in South Australia there are two existing regimes that provide for the extended supervision and the continued detention of offenders beyond their existing sentence. This Bill extends these regimes to enhance community safety.

The Bill also expands the category of offenders for whom there is a presumption against release on bail.

The Statutes Amendment (Recidivist and Repeat Offenders) Bill 2017 builds upon existing provisions in the *Criminal Law (Sentencing) Act 1988* (the Sentencing Act) concerning both youth and adult repeat offenders.

By force of section 20B(a1) of the Sentencing Act, a person will be taken to be a serious repeat offender (SRO) if they have been convicted of committing, on at least three separate occasions, any of a number of specified serious offences. Section 20B(1) then continues to provide that a person is liable to be declared a SRO if they have been convicted of committing any of a number of other serious offences on at least two or three separate occasions, depending on the offence type.

Once a person is either taken to be, or declared to be, a SRO, the sentencing court is not bound to ensure that the sentence it imposes for the offence is proportional to the offence and any non-parole period fixed in relation to the sentence must be at least four-fifths the length of the sentence.

However, the sentencing court retains a discretion to declare that these provisions do not apply if the offender satisfies the court, by evidence given on oath, that his or her personal circumstances are so exceptional as to outweigh the primary policy of the criminal law of emphasising public safety and it is, in all the circumstances, not appropriate that he or she be sentenced as a serious repeat offender.

Under section 20C of the Sentencing Act, a youth is liable to be declared a recidivist young offender (RYO) if the youth has been convicted of committing, on at least two or three separate occasions (depending on the offence type) any of a number of specified serious offences.

If a youth is declared a RYO, then the sentencing court is not bound to ensure that the sentence it imposes for the offence is proportional to the offence (but, in the case of the Youth Court, the limitations relating to a sentence

of detention under section 23 of the *Young Offenders Act 1993* apply to the sentence that may be imposed by the Youth Court on the RYO). In addition, any non-parole period fixed in relation to the sentence must be at least four-fifths the length of the sentence.

Under the Bill, new consequences will flow from being a SRO or a RYO under the Sentencing Act, the *Criminal Law (High Risk Offenders) Act 2015* (the HRO Act) and the *Bail Act 1985* (SA) (the Bail Act).

Part 2 Division 3 (including section 23, 23A and 24) of the Sentencing Act establishes a regime whereby adults (and youths sentenced as adults) who are convicted of, and/or sentenced for, specific serious sexual offences (we will refer to these offenders as serious repeat sexual offenders) can be the subject of an order to be detained indefinitely, on the basis that they are incapable of controlling, or unwilling to control, his or her sexual instincts. This is referred to as a detention order.

The same regime also provides for a consequent release on licence (with conditions) and for applications to be made for the detention order to be discharged.

Section 23 of the Sentencing Act provides that:

- at the time of sentencing the prosecution can apply to the Supreme Court for a detention order against the serious repeat sexual offender;
- the Attorney-General may also apply to the Supreme Court for a detention order against a serious repeat sexual offender, whilst they remain in prison;
- the paramount consideration of the Supreme Court in determining whether to make an order that the serious repeat sexual offender be detained in custody until further order must be the safety of the community; and
- before making the order, the Supreme Court must direct that at least two legally qualified medical practitioners inquire into the mental condition of the serious repeat sexual offender and report to the Court on whether they are incapable of controlling, or unwilling to control, his or her sexual instincts.

Under the Bill, section 23 is expanded to apply to RYOs and SROs (referred to in the Bill as prescribed offenders).

The Bill provides that, before making any order under section 23 concerning a SRO or a RYO, the Supreme Court must direct that at least two legally qualified medical practitioners inquire into the mental condition of the RYO or SRO and report to the Court on whether they are incapable of controlling, or unwilling to control, their sexual instincts or violent impulses.

In addition, section 23 does not currently allow the Supreme Court to make interim orders, so the Bill creates a scheme whereby an interim order can be made detaining the offenders who are the subject of an application under section 23. The Bill also precludes the release of the offender (for example, the release of an adult offender on parole) whilst the section 23 application is being determined.

In all cases, the paramount consideration for the Supreme Court in making an order for an offenders continued detention is, and will continue to be, the safety of the community.

Once an offender is the subject of a detention order made under section 23, sections 23A and 24 of the Sentencing Act allow for a conditional release on licence and also for the detention order to be discharged. The Bill amends these provisions to also apply to RYOs and SROs who are made the subject of a detention order.

The Bill also amends the HRO Act.

The HRO Act provides a regime whereby an application can be made for the extended supervision of high risk offenders (both violent and sexual offenders) beyond the completion of their sentence, and their continued detention if an order is breached.

Under the HRO Act an application can be made to the Supreme Court by the Attorney-General, in the last 12 months of the offenders sentence (whether that is being served in custody or on parole) for an extended supervision order (ESO) which has conditions attached.

Under the HRO Act, before determining whether to make an ESO, the Supreme Court must direct that one or more legally qualified medical practitioners examine the offender and report to the Court on the results of the examination.

For a high risk serious sexual offender the medical practitioner undertakes, and reports on, an assessment of the likelihood of the respondent committing a further serious sexual offence.

For a high risk serious violent offender the medical practitioner undertakes, and reports on, an assessment of the likelihood of the respondent committing a further serious offence of violence.

Under the HRO Act, the Supreme Court can order that the offender be the subject of an ESO if satisfied that:

- the respondent is a high risk offender; and

- the respondent poses an appreciable risk to the safety of the community if not supervised under the order.

Again, the paramount consideration of the Supreme Court in determining whether to make an ESO must be the safety of the community.

If the offender breaches the conditions of their ESO, the matter is either dealt with by the Parole Board amending their conditions, or the Parole Board can elect to have the person appear before the Supreme Court and an application can be made for a continued detention order (CDO). The Attorney-General then becomes a party to the proceedings.

At the moment the HRO Act does not apply to youths and only applies to a certain category of high risk offender.

Under the Bill it is proposed that the HRO Act be extended to apply to SROs and RYOs, such that SROs and RYOs automatically fall under the definition of high risk offender.

This would allow the Attorney-General, during the last 12 months of the sentence of a RYO or a SRO, to lodge an application for an ESO.

Under the Bill, the Supreme Court must then direct that one or more legally qualified medical practitioners examine the RYO or SRO, and report to the Court on the results of the examination.

For both a RYO and SRO, under the Bill, the medical practitioner undertakes, and reports on, an assessment of the likelihood of the respondent committing a further offence of any kind that resulted in them becoming a SRO or RYO (as the case may be)

This ensures the medical report consider the types of offences that resulted in the offender being either declared a RYO or deemed or declared a SRO in the first place.

Under the Bill, the Supreme Court can order that the RYO or SRO be the subject of an ESO if satisfied that they pose an appreciable risk to the safety of the community if not supervised under the order.

Once a RYO or a SRO is the subject of an ESO, under the existing provisions of the HRO Act if the RYO or SRO breaches the conditions of their ESO, the matter is either dealt with:

- in the case of adult, by the Parole Board amending their conditions or electing to have the person appear before the Supreme Court with an application being made for a CDO; or
- in the case of a youth, by the Training Centre Review Board amending their conditions, or electing to have the person appear before the Supreme Court with an application being made for a CDO.

The Attorney-General then becomes a party to these proceedings.

Again, in all cases, the paramount consideration of the Supreme Court in determining whether to make an ESO will remain as the safety of the community.

The Bill also proposes an amendment to section 10AA of the Bail Act to introduce a presumption against bail for any RYO or SRO.

Lastly, the Bill amends the *Sentencing Act 2017* (SA), which has not yet commenced. These amendments mirror the amendments to the Sentencing Act and ensures the new regime contained in the Bill that applies to RYOs and SROs will continue when the *Sentencing Act 2017* (SA) commences.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 10A—Presumption against bail in certain cases

This clause amends the Bail Act to provide a presumption against bail for recidivist young offenders and serious repeat offenders.

Part 3—Amendment of *Criminal Law (High Risk Offenders) Act 2015*

5—Amendment of section 3—Object of Act

This clause makes a consequential amendment to the objects provision.

6—Amendment of section 4—Interpretation

This clause inserts definitions for the purposes of the measure.

7—Amendment of section 5—Meaning of high risk offender

This clause includes serious repeat offenders who are serving a sentence of imprisonment and recidivist young offenders who are serving a sentence of detention in the definition of 'high risk offenders' for the purposes of applying the Act to them.

8—Amendment of section 6—Application of Act

This clause ensures that the Act applies in relation to a youth who is a recidivist young offender.

9—Insertion of section 6A

This clause prescribes modifications of the Act for the purposes of applying it to youths who are recidivist young offenders and allows the regulations to prescribe further modifications if necessary.

10—Amendment of section 7—Proceedings

This clause makes consequential changes to the requirements relating to proceedings.

11—Transitional provision

This is a transitional provision.

Part 4—Amendment of *Criminal Law (Sentencing) Act 1988*

12—Amendment of section 21—Application

This clause ensures that the Division can be applied to a recidivist young offender.

13—Amendment of section 23—Orders to protect safety of community

This clause amends the current section allowing orders for ongoing detention of offenders who are incapable of controlling, or are unwilling to control, sexual instincts by extending that section to recidivist young offenders and serious repeat offenders who are incapable of controlling, or are unwilling to control, sexual instincts or violent impulses.

14—Amendment of section 23A—Discharge of detention order under section 23

This clause makes consequential amendments.

15—Amendment of section 24—Release on licence

This clause makes consequential amendments.

16—Amendment of section 25A—Inquiries by medical practitioners

This clause makes consequential amendments.

17—Amendment of section 29—Regulations

This clause makes consequential amendments.

18—Transitional provision

The amendments will apply after commencement regardless of when the relevant offence or the offence that resulted in the person becoming a serious repeat offender or a recidivist young offender was committed or when the person was sentenced for that offence.

Part 5—Amendment of *Sentencing Act 2017*

19—Amendment of section 56—Application of this Division

This clause ensures that the Division can be applied to a recidivist young offender.

20—Amendment of section 57—Orders to protect safety of community

This clause amends the current section allowing orders for ongoing detention of offenders who are incapable of controlling, or are unwilling to control, sexual instincts by extending that section to recidivist young offenders and serious repeat offenders who are incapable of controlling, or are unwilling to control, sexual instincts or violent impulses.

21—Amendment of section 58—Discharge of detention order under section 57

This clause makes consequential amendments.

22—Amendment of section 59—Release on licence

This clause makes consequential amendments.

23—Amendment of section 62—Inquiries by medical practitioners

This clause makes consequential amendments.

24—Amendment of section 67—Regulations

This clause makes consequential amendments.

25—Transitional provision

The amendments will apply after commencement regardless of when the relevant offence or the offence that resulted in the person becoming a serious repeat offender or a recidivist young offender was committed or when the person was sentenced for that offence.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:04): I rise to speak on the Statutes Amendment (Recidivist and Repeat Offenders) Bill 2017. Before I move to the substance of the bill, I indicate that the Attorney-General has put a request to the opposition to consider this bill as a matter of urgency, in particular to agree to the expeditious passage of this bill in the House of Assembly. If passed, I presume in an expeditious manner in the other place within the next few weeks, it will have the effect of ensuring one of the aspects of this bill, which relates to the capacity either to detain or continue under supervision a person who is currently in custody and deal with them in a manner that is preferable to what would occur if there was no passage of this legislation.

It does not, apparently, relate to all aspects of this bill, but it does relate to one aspect. I do not think it is necessary for me to go into it, but essentially the passage of this bill will ultimately enable the Supreme Court, on application, to make a decision to extend the supervision and/or detention of a person, which would apply to this case. I do not think it is necessary for me to go into the particulars of this case. If it does become necessary, it will be a matter we will raise in another place.

There are circumstances from time to time when we are presented with a request from the government that suggests some urgency, that we need to take on good faith that the clear and present danger is there if the matter is not dealt with expeditiously and have our support to deal with it; sometimes, that is obvious. It might be in relation to quickly remedying a defect. Sometimes, it may be to protect, as we have done with vulnerable witnesses just recently. Sometimes, it is to deal with legislation, such as an agreement for terrorism matters and things of that nature. We do accede to this from time to time.

We take that information on good faith. This is a case where we are prepared to do that, but it is with the clear proviso that we reserve the right to raise issues about this in another place and on the understanding that, notwithstanding the imminent aspects of this that require attention and abridged assessment in this house, we will be given a full briefing on this bill and the whole of the implementation of its effect and that we have an opportunity to at least consult with immediate players.

In short, as the government provided a copy of the Attorney-General's second reading contribution during question time today, in between other important business I have tried to absorb essentially what the bill will do. I think it is fair to say that it will extend the application of persons who have been sentenced, and their head sentence concluded, to enable serious repeat adult offenders and/or recidivist young offenders under 18 years of age to have a new process, firstly, to enable a court order to be made to ensure that there is a relief from what was otherwise a requirement under proportionality of offence and, secondly, to enable ongoing supervision. All that is on court application. They are matters we will obviously consider in substantial debates later on.

The other aspect is to extend the Criminal Law (High Risk Offenders) Act to enable the application of this regime to more than just sexual offences but to all serious offences. That is how I am reading it generally at this point. There will also be an expansion of a category of offenders in that regard to deal with the presumption against release on bail. So we have certain regimes in place. They are going to be amended.

They are clearly going to be expanded to accommodate children in certain circumstances and a broader range of offences that can have the trigger of giving access to the Criminal Law (High

Risk Offenders) Act procedures. Members should be aware that the high risk offenders act does not apply to youths at this point. Earlier this week, we considered legislation in respect of reform in terrorism, and the government foreshadowed application of the reforms in that regard to 16 and 17 year olds. We have already indicated that we would agree in those circumstances that it is reasonable that they be incorporated.

So there are circumstances, notwithstanding all the other debates this week about other matters, where we accept on this side of the house that 16 and 17 year olds, in discrete circumstances and in respect of discrete offences, need special consideration. There may well be a case for the process that we have employed in recent years for adults that is applicable to some youths in certain circumstances. We will obviously look at that in some detail.

One of the things that became clear was that the bill is also to apply to enable the Supreme Court on these applications to provide an interim order. I cannot remember when we debated the principal act on this whether or not that was allowed, but I suspect for the purposes of the urgency in this matter that the amendments to enable the Supreme Court to make an interim order may be a valuable tool that will be relied upon in respect of the matter that has been raised with us.

It is a unique set of circumstances that has been put to us. We have taken it on face value; we take it in good faith that the matter is necessary and can be protected by the amendments in this act and that it is necessary in the interests of the safety of the community that we do that. It may be that on further consideration there are alternative options for the matters that have been put to us, and we will explore those between the houses. But we are certainly not of a mind to frustrate what has been presented to us as an urgent situation.

The two things that are important in the course of the adjournment between the houses is firstly to have a briefing. Certainly, we would like to have a briefing. I foreshadow to the government that that can be made preferably next week at some time. Obviously there are only four business days in that week, and we expect that being school holidays some advisers may have commitments, but we would like that to be next week.

Secondly, as the new processes are proposed to deal with the Parole Board and the Training Centre Review Board in respect of conditions that it be set under the new regimes, I seek that the briefing include representatives from those entities. I am assuming at this point that these bodies have been consulted already in respect of the drafting of this bill. I have no idea at this stage what the gestation period for the development of this bill was, or whether in fact it was prepared over a period of time following its usual course, but the advance of a particular case has brought it to the urgent attention of the parliament.

It is quite a comprehensive reform and it appears to cover matters that go beyond the circumstances, at least in the abbreviated details I have been given, of this case. I suspect that there have been aspects of this bill that should have been under consideration for some time in a general reform consideration. I may be wrong, and perhaps the briefing will elicit that. On that basis, I indicate that I would like the Attorney's commitment, in response, to ensure that we are given expeditious and comprehensive briefings, that we have representatives of those parties I have indicated and that I have a list of parties that the government have consulted or will be consulting on this in the next two weeks. I assume that this acquiescence will be followed by a listing in the Legislative Council on or about 17 October.

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) (17:15): First of all, I thank the Deputy Leader of the Opposition for her cooperation and the cooperation of her leader and the party in this matter. It is an unusual matter, and it is a matter that is obviously proceeding in a way that is unusual. I can assure the house that I would not be proceeding in this way if I did not feel it necessary to do so.

In terms of the question about the genesis of bits and pieces of this, I think it is fair to say that, inasmuch as this refers to some matters, they are matters of concern to me which were not necessarily of acute concern to me because they were not presently matters which were threatening

to cause any disruption to the community. They were matters that had some longer standing and it was my intention that in due course I would get around to looking at those matters.

Then there are other matters in here which are extremely urgent, and those matters have come to my attention very recently and necessitated some absolutely extraordinary efforts on the part of those who advise me, and of parliamentary counsel, to enable me to be in a position today to ask the house to assist in the way that I have. In answer in general terms to the questions put to me by the deputy leader, there is a mix of things in here.

There are some aspects of this that have been generated extremely recently and under intense time constraints in order to be able to meet the possibility of the parliament dealing with the matter. In respect of the request for briefings, I am entirely happy to offer every assistance I possibly can to the deputy leader in order for her to be able to understand all the matters that we are talking about here and obviously to be able to advise her colleagues as to how to proceed. Some of the material that we will have to share perhaps with the deputy leader might have to be on the basis that it remains confidential to her.

Clearly she could share her conclusions with her colleagues; there might be aspects of this that are difficult for broader conversation, for reasons I am sure she would understand. The question about the Parole Board and suchlike, I have noted those points and I will ask those who assist me to facilitate those people being engaged. As for the question about other people who may or may not potentially have a view about this, quite frankly, if we need to proceed with this, I do not view us as having anything remotely like the time available to us to go through any of the usual conversation processes with the usual time lines because we are simply not talking about that.

I am happy to leave it that I made a request of the Leader of the Opposition and the deputy leader to assist the government today on the basis that the government understood that the opposition, in assisting us in this place today, was not making any commitment to do one thing or another elsewhere. We respect the cooperation we have received on that basis. We intend to say very little further about this matter other than in the context of briefing the deputy leader, the leader or whoever needs to be briefed about this matter. I think there will be a lot of work to be done over the next couple of weeks. Hopefully, by the time we get to the end of that couple of weeks, there will be a position that can be agreed between the government and the opposition about how this matter can proceed.

I can indicate to the house that, if this matter needs to proceed when the parliament resumes, it will need the same cooperation from the other place that the Deputy Leader of the Opposition and the opposition parties in this house have been good enough to offer here because it may be that time is very much of the essence. With those few words, I think I have canvassed what the deputy leader put to the house. Again, I thank the opposition for their constructive consideration of this matter, and I can assure them that we will be doing everything we can to include them in as open as possible a conversation about the whys and what-fors of this over the next week or two.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RETAIL AND COMMERCIAL LEASES (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 4.

Ms CHAPMAN: I am on amendment No. 1 in my name. This minister, with his experience and his business understanding and in the knowledge that this is a problem that His Honour Justice Stanley has been stuck with—and I understand that; the poor hapless tenants and landlords who have been caught up in this as a result of a bureaucratic decision—should understand why for years the Law Society and others have sought remedy from progressive ministers to try to fix this by regulation and/or by statute to be consistent with their original commitment rather than stand and read out what is, I would say, the bureaucratic answer, 'This is what the Supreme Court said.'

Of course the Supreme Court said that; that is why we are here and that is why we, on behalf of those who have been caught in this ugly trap, this expensive spiral, are seeking some relief. Just because the Moss review did not put a recommendation on this at all, and just because time has elapsed and it is now too messy, the government says, to fix it up, I would ask this minister to think very seriously about that and understand that that is not acceptable.

Given his experience he ought to be saying to the government, 'Hang on a minute, fair crack of the whip.' Clearly these people have been complaining for some time. We can sit here on the side and say, 'Okay, we're not going to do anything about this,' and just let them say, 'It's up to you to get your legal advice and go to the Supreme Court and get your remedy and get smashed and get the costs and the fees.'

In the future, perhaps we will not be so silly as to increase it by a $150,000 a year increment, and we will take the advice of Mr Moss and do it in a manner in which it is reasonable to have those increments which, in a commercial sense, the landlords and tenants should have to expect. From time to time governments, ministers in particular, by regulation, do make increases. It is a bit like saying, 'This is the fee.' Of course it cannot stay the same forever, and therefore people should be alive to the fact that it is within the prerogative of the minister, through regulation, or as a parliament, through statutes, to change those laws.

However, when you have such a massive change you are going to have some casualties. Initially we were prepared to say to the government that we accept that this may have been inadvertent, that they had not really intended to suddenly smash all these landlords, but please do not come back in here, three ministers later, and try to say to us that they have washed their hands of this, that it is too messy to deal with and, 'We are going to just walk away.' That is completely unprofessional and unacceptable. This minister, with his experience, should know better.

Nevertheless, I accept that he is conveying the wish of the government. He is sitting with them and obviously pursuing an objection on that basis. He is just going to let these people hang in the wind. I think that is appalling behaviour, and quite dismissive of the respect that should be given to our commercial citizens and corporations, as well as the mums and dads who are tenants and landlords in these situations. If you intervene with an irresponsibly large increase of this nature, you give assurances, and then you give no opportunity of remedy, you have to take the consequences.

Clearly the government have decided they are not prepared to take the consequences and they are just going to wash their hands of it. The Hon. Mr Darley, in another place, and the opposition will continue to say that is unfair and unreasonable, and we will move these amendments and continue to maintain that position. I indicate that, in the face of the government's opposition to this and the failure of amendment No. 1, I will not be repeating this same speech for the rest of the amendments, Nos 2, 3 and 4, in schedule 220(1), as provided.

The Hon. M.L.J. HAMILTON-SMITH: I thank the deputy leader for her contribution. What the deputy leader wants to do is essentially go back to the original proposition that was considered by the parliament in 2011 regarding land tax thresholds and revisit the core issue that was determined by the parliament and the subsequent regulations back at that time. As I understand it, the other thing the deputy leader wants to do—and this is very interesting—is, in effect, create a situation where a whole lot of tenants, a whole lot of renters, will have land tax passed on to them. She wants to empower landlords, as I understand it, to pass on land tax.

Ms Chapman interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Yes, so that in itself is interesting because I think there would be a lot of lessees in a lot of shopping centres in a lot of Liberal seats right around the

state who might have a very strong view on that. The third thing that the deputy leader wants to do is retrospectively go back and change something that was put in train in 2011 with subsequent regulations and try to unscramble the egg, possibly putting at risk a whole lot of arrangements that have been in place for six years and setting in course a whole lot of litigation that might have very unpleasant outcomes.

The parliament can spend its time revisiting the initial proposition. That was debated back in 2011, and then there were subsequent regulations, or we can get on with the purpose of the bill before the house, that is, to try to improve arrangements between lessors and lessees to their mutual benefit. Not everyone will be happy, but this particular amendment and the one that follows seek to try to go back and rewrite the bill and address issues the parliament addressed quite a long time ago.

Some members will not like the fact that land tax cannot be passed on to tenants. Some people will like the fact that land tax cannot be passed on to tenants under arrangements in the bill, and there are different points of view on that. As a general principle, retrospective legislation or amendments that seek to create such retrospective decision-making by the parliament is just bad lawmaking. Whether you like the original bill or not, it is just not the way to do it.

An alternative approach might be for the deputy leader to propose legislation of her own prior to the next election. It might completely reset the agenda on this item. That might be the best way for her to pick up this issue. For the moment, the government will not be supporting retrospective legislation that possibly puts at risk a whole lot of arrangements between lessors and lessees and throws things up in the air with great chaos and confusion.

The parliament made decisions back in 2011 and then passed regulations accordingly, and I do not think we should be revisiting the core issues. I accept the points the deputy leader is making—but another time, another place. If she wants to rewrite the bill, I would suggest a policy to that effect leading up to the next election.

Amendment negatived; clause as amended passed.

Clause 5.

The CHAIR: The minister for Bragg and the minister both have amendments in clause 5. In order to enable both the member and the minister to have an opportunity to put their amendments to the house, I am proposing that we put the member for Bragg's amendment in a truncated form as follows:

To delete all words in clause 5, page 3, lines 26 to 37 and page 4, lines 1 and 2.

Ms CHAPMAN: I move:

To delete all words in clause 5, page 3, lines 26 to 37 and page 4, lines 1 and 2.

The Hon. M.L.J. HAMILTON-SMITH: I think that all these proposals effectively relate to the earlier debate.

The CHAIR: They are consequential.

The Hon. M.L.J. HAMILTON-SMITH: For that reason, we will not be supporting them.

Amendment negatived.

The CHAIR: We will not be proceeding with the remainder.

The Hon. M.L.J. HAMILTON-SMITH: I move:

Amendment No 2 [SmallBus-2]—

Page 4, after line 2—Insert:

(5a) Section 4(2)(c)—after subparagraph (i) insert:

(ia) a body corporate whose securities are listed on a stock exchange outside Australia and the external Territories or a subsidiary of such a body corporate; or

Amendment No 1 [SmallBus–1]—

Page 4, after line 22 [clause 5(7), inserted subsection (4)]—After paragraph (b) insert:

or

(c) the lessee or lessor becomes, or ceases to be, a lessee or lessor referred to in subsection (2)(c) or (d).

Amendment No 2 [SmallBus–1]—

Page 4, after line 38 [clause 5(7), inserted subsection (4), Examples]—After example (3) insert:

(4) The Act may apply to a retail shop lease to which the Act did not apply at the time the lease was entered into, or renewed, because the lessee changed from being a public company to being a proprietary company.

(5) The Act may, after an assignment of the lease, cease to apply to a retail shop lease to which it applied immediately before the assignment because the assignee is no longer a lessee of a kind referred to in subsection (2)(c).

The government has consulted on this with business associations and stakeholders extensively and I have been personally involved in a lot of that, there being in some cases more than two or three meetings with various associations. Some of those parties, including the Law Society of South Australia and the Shopping Centre Council of Australia, have made further submissions on the bill to the Small Business Commissioner to the effect that overseas companies and their subsidiaries should be exempted from the protections of the act in the same way that a company is.

The first of the two amendments merely inserts into the act a definition of subsidiary to have the same meaning as section 9 of the Corporations Act. There was broad support for amending the act to include the definition of 'public company', but without this further amendment this would not extend to companies that are subsidiaries of overseas incorporated companies. A failure to include such an extended definition will mean that multinational operators, such as OPSM, BP and McDonald's, to name a few, will obtain the benefit and the protections of the act.

The Law Society submitted to the commissioner that such an outcome is 'contrary to the fundamental purpose of the act, which is to counterbalance the perceived inequality of bargaining power between lessors and lessees'. The commissioner has considered the submissions made to him in this regard and has also had regard to the equivalent provisions in both Victoria and WA.

Based on these considerations, I have accepted the commissioner's recommendations to incorporate these further amendments and, as a result, the government has further amended its bill and we filed on 12 September. We are discussing it to including a new carve-out for coverage of the act at new subsection 4(2)(c)(ia). That new subsection will prevent 'a body corporate whose securities are listed on a stock exchange outside of Australia in the external territories' or any subsidiary of such a body corporate from acquiring the protections of the act.

Amendments carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8.

The Hon. M.L.J. HAMILTON-SMITH: I move:

Amendment No 3 [SmallBus–1]—

Page 6, line 10 [clause 8, inserted section 11(2)]—After 'retail' second occurring insert 'shop'

It is a technical and clarifying change to ensure consistency with other sections of the act which refer to a retail 'shop' lease. This issue was raised with the Small Business Commissioner by the Property Council of Australia. We wanted to take action on it.

Amendment carried; clause as amended passed.

Clause 9.

The Hon. M.L.J. HAMILTON-SMITH: I move:

Amendment No 4 [SmallBus–1]—

Page 6, line 27 [clause 9(2), inserted subsection (4)]—Delete 'in duplicate'

Amendment No 5 [SmallBus–1]—

Page 6, line 35 [clause 9(2), inserted subsection (4)(c)]—Delete 'registered'

Amendment No 6 [SmallBus–1]—

Page 7, lines 6 to 9 [clause 9(2), inserted subsection (4b)]—

Delete '1 copy of the disclosure statement signed by or on behalf of the lessee to the lessor or the lessor's agent (with the remaining copy to be signed by or on behalf of the lessee and retained by the lessee or lessee's agent)' and substitute:

a signed acknowledgement of receipt of the disclosure statement to the lessor or the lessor's agent

These amendments were suggested during consultation on the bill. The Property Council of Australia and the Law Society of South Australia both contend that using registered post is archaic and simple service by post is sufficient. Similarly, the removal of the word 'duplicate' reduces paperwork and the signed acknowledgement is deemed sufficient to provide evidence, which the lessor can hold should a dispute arise in the future. On the face of it, documents by email 'in duplicate' could literally be interpreted as sending an email twice, which is clearly not the intention of the provisions.

Amendments carried; clause as amended passed.

Clauses 10 and 11 passed.

Clause 12.

The Hon. M.L.J. HAMILTON-SMITH: I move:

Amendment No 7 [SmallBus–1]—

Page 7, lines 29 to 32 [clause 12, inserted section 16(b)]—

Delete 'an executed copy of the registered lease within 1 month after the lease is returned to the lessor or the lessor's lawyer or agent following registration of the lease.' and substitute:

—

(i) an executed copy of the lease; and

(ii) confirmation that the lease has been registered,

within 1 month of the date of its registration.

The amendment picks up the issue raised by the Lands Titles Office and other stakeholders, including the Law Society of South Australia and the Property Council of South Australia, in consultation on the bill. The issue that has arisen is that the Lands Titles Office no longer provides certified copies of leases, as was required under section 16 of the existing act. As such, lessors cannot comply in terms of providing an executed copy of the stamped and registered lease.

This follows a change to the LTO's procedures, and it has been acknowledged that the Retail and Commercial Leases Act 1995 should have been amended to acknowledge this change when the Real Property (Electronic Conveyancing) Amendment Act 2016 was prepared. The LTO now provides a confirmation of registration notice. These changes will bring day-to-day practicality to this section of the act.

Ms CHAPMAN: I do not have a question on that, but you know you can never rely on that Attorney-General; he always mucks things up, so I am pleased that this has been remedied.

The CHAIR: I am sure he has noted your pleasure at it and he will welcome some way to obliterate that.

Amendment carried.

Ms CHAPMAN: I move:

Amendment No 1 [Chapman–2]—

Page 7, after line 32 [Clause 12, inserted section 16]—After line 32 insert:

(2) The period within which the lessor must lodge a lease for registration under subsection (1)(b) is to be extended for any delay attributable to—

(a) the need to obtain any consent from a head lessor or mortgagee (being delay not due to any failure by the lessor to make reasonable efforts to obtain consent); or

(b) the requirement for a plan delineating the premises to be filed in the Lands Titles Office (being delay not due to any failure by the lessor to make reasonable efforts to procure the filing of a plan); or

(c) requirements arising under the *Real Property Act 1886* that are beyond the control of the lessor.

This amendment is to remedy the matter I raised in the second reading, which essentially was that 30 days without the opportunity to extend in certain circumstances can obviously cause some problems. I do not think I need to repeat myself. I think the minister understands what we are talking about. I would seek the government's endorsement to resolve that matter.

The Hon. M.L.J. HAMILTON-SMITH: I thank the member for her amendment. The government feels that this section of the act already requires the registered lease to be returned within one month, and this is not changing. We understand why the member is moving this, but we feel it is already dealt with. The current one-month period provides a driver to the lessor to complete the process. It is noted that there is no penalty in the act for noncompliance.

The Small Business Commissioner advises me that he would be happy to liaise with any party that is found to be causing a delay and to assist. However, on the basis that we feel the matter raised by the proposed amendment is already dealt with in the bill, the government feels it should oppose the amendment as being unnecessary.

Amendment negatived; clause as amended passed.

Remaining clauses (13 to 27) and title passed.

Bill reported with amendment.

Third Reading

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence and Space Industries, Minister for Health Industries, Minister for Veterans' Affairs) (17:44): I move:

That this bill be now read a third time.

I thank the deputy leader and all who have contributed to the debate for their efforts. Although this is finetuning of the act, I am confident that it delivers on promises that both sides of the house have made to try to make arrangements between lessees and lessors more workable. It follows up on the delivery of Mr Moss's report and his recommendations. Without adding too much more red tape, as the bill comes out of committee, we have delivered something that will improve relationships between lessees and lessors and I think that is a good thing. I thank everyone for their efforts and commend the bill to the house.

Bill read a third time and passed.

WORK HEALTH AND SAFETY (REPRESENTATIVE ASSISTANCE) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

SOUTHERN STATE SUPERANNUATION (PARENTAL LEAVE) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (UNIVERSITIES) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

The DEPUTY SPEAKER: Before we rise for the evening I would like to acknowledge the contribution of Ms Rachel Stone in various roles in parliament for approximately 15 years and wish her well with all future endeavours.

At 17:48 the house adjourned until Tuesday 17 October 2017 at 11:00.